

SMITHSONIAN DEPOSIT

15

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BY

JOHN ROMEYN BRODHEAD, ESQ.,

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XVII—XXIV.

The Lords of Trade to Lord Cornbury.

[New-York Entries, G. 18.]

To the Right Honourable the Lord Cornbury.

My Lord.

Since our letters of the 8th and 17th of July last, Duplicates whereof are here inclosed. We have received your Lordps of the 10th of August and 3d of October relating to New York and one of the 10th of September last relating to your government of New Jersey.

The Account of stores of War remaining at New York which in ys Lordps letter of the 10th of August last is said to be there Inclosed is not come to our hands, and therefore we desire that your Lordp wou'd send it by the next Opportunity.

We have represented to Her Majesty, that Coll Pairtree be of the Council of New York, in the room of Mr Lawrence, according to Your Lordps desire and the Order for his Admission will be transmitted to you.

We have not received the Catalogue of Mr Mott's books, which Your Lordp writes you have sent us, and shall therefore expect the same, as also an Inventory of what he has left, together with an Acct of the Salary due to him at his Death.

We have sent to Mr Attorney General what you writ in relation to the granting of letters of Administration and Probate of Wills, for his Opinion therein. And so soon as we have received the same, we shal lay it before her Majesty for her Royal pleasure thereupon.

We desire Your Lordp to be mindful of sending us all the Minutes of Council & Journals of the Assembly both for the Province of New York and New Jersey since your Lordp's Government; as also Accounts of the Revenue of both Provinces for the same time.

We have laid before the Lord High Admiral what you writ us in relation to Capn Fane and Capn Miles, and we doubt not but you will have received Directions thereupon. However we send your Lordp a copy of Mr Barchet's letter to Capn Miles for your Lordp's information.

We commend your Lord$^{p's}$ care and diligence in providing for the security of New York, upon the alarm of the French. And Coll Dudley having writ us some while ago that Cap^{n} Rednap the Engineer was gone to New York We hope that by his Assistance Your Lord^{p} will have put that Province in a good Posture of Defence.

We have not received the old Seal of New York which your Lord^{p} mentions to be sent with your letter of the 3^{d} of October, and having enquired of M^{r} Sloper for it, he has acquainted us that it did not come to his hands; So that we desire it may be sent by the next conveyance.

Your Lord^{p} may have opportunities of writing frequently to us, by the way of Virginia, Barbadoes, or the Leeward Islands; By which Conveyances we shall be glad to hear from Your Lord^{p} as often as may be of the State of the Provinces under your Government.

We send You here inclosed a letter from Her Majesty in the same terms as to the Governors of Her Majesty's other plantations, relating to the future passing of Laws of an extraordinary Nature, by which your are to be guided and directed upon such occasions.

We think ourselves obliged to acquaint you that of late we have received several letters from the Plantations Inclosed in Covers directed to the respective Agents, By which method we have been many times delayed in the receipt of our letters, to the hindrance of business which required a quick Dispatch, and that many other letters not relating to Our Board have been inclosed in those packets, whereby we are charged with the Postage of letters not appertaining to us, We therefore Desire that for the future the letters addressed to Our Board be sent in packets by themselves, and not intermixt with others in which we have no concerns; and that all Acts, Minutes of Council, Journals of Assembly and other public papers & letters whatsoever be directly addressed to us that so they may immediately be delivered to us from the General Post Office, separate and apart from all other private letters and Dispatches. We are, My Lord,

Your Lord$^{p's}$ most humble Servants

ROBERT CECILL
PH. MEADOWS
W^{m} BLATHWAYT
JOHN POLLEXFEN
MAT: PRIOR.

Whitehal
March 26th 1707.

Attorney General's Opinion on the Law relating to the Administration of Intestate Estates.

[New-York Entries, G. 22.]

To the Right Honourable the Lords Commiss^{rs} for Trade and Plantations.

May it please Your Lordships

In obedience to Your Lord$^{p's}$ commands signifyed to me by M^{r} Popple I have considered of the enclosed Extract of the Lord Cornbury's Instructions and of his letter relating to the granting of letters of Administration; and your Lordships having required my opinion thereon, and what may be fit for Her Majesty to do in all the Plantations on the like Occasions,—And I do most humbly certify your Lord^{ps} that by law where a man dyes

Intestate in the Plantations having a personal Estate there, and also any personal Estate or Debts owing here in England, the right of granting Administration belongs to the Archbishop of Canterbury; And if Administration be granted in the Plantations also (which may be) that Administr will be accountable to the Administr in England, but will be allowed the payment of just Debts, if paid in the Order the Law allows of, that is to say The whole personal Estate in England and the Plantations will be lyable to all the Intestates Debts in both Places, and out of the whole, first Debts owing to Her Majesty, then Judgments, Statutes and Recognizances, then Bonds, then Debts without Specialty both there and in England are to be satisfyed, and the Administrator in the Plantations will not be allowed the payment of any Debts without Specialty, if there be Debts of a superior nature unsatisfied in England, for every Administr is bound to take care to apply the Intestate's Assets to discharge his Debts in the Order the law directs, and it matters not whether the Debts were contracted in England or the Plantations, if there be Debts of equal nature in England and the Plantations, the Administr may discharge which he pleases before he be sued for any other of the like nature. This indeed is some Difficulty on Administrators, but it is no more there than in England: and Attempts have been made by Acts of Assembly in some of the Plantations, particularly, as I remember, in Pensilvania, to appropriate the Effects in the Plants of persons dying there the Discharging Debts contracted there, but those Acts have been repealed here as being prejudiciall to this Kingdom. I am also of Opinion that when the letters of Administration arrive at the Plantatns under the Seal of the Prerogative Court of Canterbury they are to be allowed there, and the Authority of the Administration granted in the Plantations from that time ceases.

All which &a

Edward Northey
March 1707.

Order approving Instructions regulating the Presidency of the Council in the Colonies.

[New-York Papers, y. z. Y. 58.]

{ Council Seal. } At the Court at Kensington the 17th day of Aprill 1707.

Present— The Queen's Most Excellt Maty in Council.

Upon reading this day at the Board a representation from the Lords Commrs of Trade and Plantations, with a Draft of a Commission for Robert Hunter Esqr to be Governour of Virginia, together with an additionall alteration proposed by the said Lords Commrs for preventing controverseys and Disputes that may happen between the President and Councillors in the Plantations; which Additionall instruction they humbly offer may be sent to all Her Majesty's Governours in America, Her Maty in Councill was pleased to approve thereof, and accordingly to order as it is hereby ordered, that the said Additionall Instruction be prepared and sent to the Governours of Her Mats Plantations in America according to ye said Representacôn. and the Lords Commrs for Trade and Plantacôns are to prepare the same for Her Matys Royall Signature accordingly.

(signed)

Chris: Musgrave.

Mr. Burchett to Mr. Popple.

[New-York Entries, G. 37.]

To W^m^ Popple Esq^r^

S^r^

I have received your Letter of Yesterday's date with the Copy of a letter and other Papers from my Lord Cornbury, Gov^r^ of New York, to the Lords Commission^rs^ of Trade and Plantations, complaining of the Irregular proceedings of Capt^n^ Fane, who commands Her Majesty's Ship the Lowestoffe, upon account of a vacancy that hapned in the command of the Tryton Prize (the other ship which attends on the aforesaid Government) by the death of Capt^n^ Miles.

The several papers before mentioned I have communicated to His Royal Highness, and they have always been Read to his Council, and by the Prince's command I am to lett you know, in answer thereunto, that altho' Capt^n^ Fane has done more than his Duty, and strictly complied with his Instructions (an Extract whereof I send you) by appointing a Commander to the Tryton Prize when the Vacancy hapned, Yet His Royal Highness has commanded me to acquaint Capt^n^ Fane that he is very much dissatisfied with him for his behaviour to My Lord Cornbury in other particulars, and the more so because he is, by the Instructions he has from His Highness, particularly required to obey the orders of his Lord^p^ during the time that he attends on the Govern^t^ of New York.

As the Lords Commissioners for Trade and Plantations will find by the afore mentioned Extract of the Prince's Instructions (the which is the same as to the Captains of all ships that attend on Her Majesty's Islands and Plantations) that Capt^n^ Fane had positive orders to place Officers in the Ships under his command, without any regard to those the Governor might pretend to appoint, so it is not known here that any Gov^r^ abroad has the least pretence to an Authority or Power of appointing Captains or Officers to Ships put under their Directions; for as it is directly contrary to the Instructions given by the Lord High Admiral to the Captains attending on forreign Plantations as is mentioned before; so is it indeed such an Infringement of the known Rights and Authority of the Office of High Admiral as cannot in the least Degree be dispensed with; And therefore His Royal Highness knows of no further Instructions necessary for my Lord Cornbury's guidance, in this Affair of appointing Officers to Her Majesty's ships; Nay thus much I must further observe to you that altho' my Lord Cornbury shou'd suspend Capt^n^ Fane for not complying with his orders, yet the next officer to him in Seniority must, and will of course, take upon him the command of both the Ships attending the Goverment (during the Suspension) without any regard in that case to any Person the governor may happen to appoint to that charge.

What I have more to add is, that My Lord Cornbury has the same power invested in him, as Vice Admiral to His Royal Highness Lord High Admiral, within the Limits of His Lord^p's^ governm^t^ as any his predecessors, or the Gov^rs^ of other Colonies, or Plantations have, and the Warrant to the judge of the High Court of Admiralty, to prepare Such a Commission for the Lord Cornbury, was dated the 15^th^ September 1702; But his Lordship has no more power by that Commission to appoint officers to Her Majesty's Ships, than the Vice Admirals of the maritime counties in this Kingdom have.

I am, S^r^, Your very humble Servant,

J. Burchett.

Admiralty office
30^th^ April 1707.

Additional Instruction to Lord Cornbury as to the Presidency of the Council.

[New-York Entries, G. 24.]

An Additional Instruction to our Right trusty and wel beloved EDWARD Lord Viscount Cornbury our Captain General and Governor in Chief of our Province of New York in America, and in his absence to our Lieut^{t} Gov^{r} or Comander in Chief of our said Province for the time being. Given at Our Court at Kensington the 3^{d} day of May in the Sixth year of our reign. 1707.

WHEREAS by a Clause in Our Commission and Instructions to you our Cap^{n} General and Governor in Chief of our Province of New York, it is directed that upon your death or absence (in case there be no Lieuten^{t} Governor appointed by us upon the Place) the then Council do take upon them the administration of the Government, and that the eldest Counsellor do preside as by the said Comiss^{n} and Instructions is more particularly set forth;— And we having observed that this Instruction has given Occasion of many controversies and disputes between the Presidents and the Counsellors, and between the Counsellors themselves, and otherwise, in several of our Plantations, to the great hindrance of the public business, and to the prejudice and Disturbance of our service there, OUR WILL AND PLEASURE therefore is, that if upon Your Death or Absence there be no person on the place commissionated by us to be Our Lieuten^{t} Gov^{r} or Commander in Chief, The Eldest Cousellor whose name is first placed in Our said Instructions to you, and who shall be at the time of Your Death or Absence residing within our said Province of New York shall take upon him the Administration of the Governm^{t} and execute our said Commission and Instructions, and the several powers and authoritys therein contained in the same manner & to all Intents & purposes as either o^{r} Governor or Commander in Chief shou'd or ought to do in case of Your absence, until Your Return, or in all cases until our further pleasure be known therein. So We bid you very heartily farewel.

By Her Majesty's Command

SUNDERLAND.

The Lords of Trade to Lord Cornbury.

[New-York Entries, G. 40.]

To the Right honourable the Lord Cornbury.

My Lord,

Her Majesty having been graciously pleased by Her Commission under the Great Seal of England to appoint us (together with M^{r} Stepney) Her Commiss^{rs} for promoting the Trade of this Kingdom, and for inspecting and improving Her Plantations in America and elsewhere, We have thought fit to acquaint Your Lord^{p} that it is Her Majesty's pleasure and express command that the Governors of all her Foreign Plantations do from time to time give unto us

frequent and full Information of the state and condition of their respective Governments and Plantations, as well with regard to the Administration of the Government and justice in those places, as in relation to the commerce thereof; and more particularly that the said Governors transmit unto us yearly Accounts of their said Administration, by way of Journal, together with the Acts of the Assemblies in the respective Plantations, and exact Accounts of all money given for public Uses, and how the same is from time to time expended or laid out. All which things Your Lord^{p} is therefore accordingly to observe in relation to the Province of New York committed to your charge.

Upon this occasion we must remind Your Lord^{p} that there are not in Our Office any Minutes of Council or Assembly, or Accounts of the Revenue since your Lord^{p} government, and therefore we must in a more particular manner Desire Your Lord^{p} to send us by the very first opportunity exact Transcripts of all such Minutes, Journals and Accounts since Your Lord$^{p's}$ first taking upon you the care of that Governm^{t}.

We further Desire you by the first Opportunity to send us a Compleat list of the Names of the present Council of that Province, and together with that another list of the names and characters of such persons as you think proper to supply the Vacancies that may happen either in the Council (according to Her Majesty's Instructions) or in any other Office wherein they are to be confirmed by Her Majesty's approbation.

We also desire Your Lord^{p} to inform us what number of inhabitants there are within that whole Province, what Free men, And what servants, White and Black.

To what Degree are those numbers increased or decreased since your Lord$^{p's}$ entrance upon that Government, or since the last Estimate that you understand to have been made of them?

What do you conceive most proper to prevent the removal of the Inhabitants out of that Province into any of the neighbouring Colonies?

What is the whole number of the Militia of that Province?

What commodities are exported from that Province to England?

What Trade is there either by Exportation or Importation with any other place? And from whence is that Province now furnished with Supplies (particularly of any Manufactures) that it was wont to be furnished withal from England?

How and in what particulars is the Trade of that Province increased or Decay'd of late Years? and what has been the reason of such Increase or Decay?

What are the present methods used to prevent Illegal Trade? and what further methods do you think advisable for that purpose?

What number of Ships or other Vessels are there belonging to that Province? and what number of seafaring men?

What number and what sorts of these Vessells have been built there?

What Manufactures are settled in that Province of any sort whatsoever?

What quantities of Trayn Oyl are made annually in Long Island? and what other Improvement in any Sort of Fishery is or may there be made upon that Coast?

To all which Enquiries and to all such other matters as are required by your Instructions to be communicated to this Board We also further desire Your Lord^{p} to add whatever else you may in your own prudence think conducive to Her Majesty's Service, to the Interest of England, to the advantage of that particular province, and to our assistance in the Discharge of the Trust reposed in us.

We are now to acknowledge the Receipt of Your Lord$^{p's}$ letter of the 14th of December last

relating to the behaviour of Capt[n] Fane upon the death of Capt[n] Miles. We Transmitted a copy of the said letter and of the Papers referred to therein to the Admiralty, for his Royall Highness' Directions thereupon, and have received an answer by a letter from M[r] Burchett to our Secretary, a copy whereof is here inclosed for your Lord[p's] Information.

An Act having been passed the last Sessions of Parliam[t] for a perfect and intire Union of the two Kingdoms of England and Scotland, We send Your Lord[p] two of the said Acts that it may be published in the most Solemn manner in the Province of New York, and that Your Lord[p] may take notice that Scotchmen are thereby to be looked upon for the future as Englishmen to all Intents and purposes whatsoever. We are My Lord

Your Lord[p's] most humb. Servants

7[th] May 1707.

STAMFORD
DARTMOUTH
HERBERT
PH. MEADOWS
JN[o] PULTNEY
ROB[t] MONKTON.

Answer of the Agent of New-York to a Memorial against the Act vacating certain Grants of Land.

[New-York Entries, G. 50.]

To the Right Hon[ble] the Lords Commiss[rs] for Trade and Plantations.

The Answer of John Champante Esq[r] Agent of His Majesty's Province of New York to the Memorial of John Montague, gent[n] on the behalf, as is pretended of several hundreds of the Owners of Land, and principal Inhabitants of that Province, touching some Acts of an Assembly there, beginning the 2[d] of March 98 & ending the 16[th] May following.

My Lords,

In Obedience to Your Lord[p's] Orders I shall humbly endeavour to Offer some reasons for Your Lordships' approbation of the Act entituled an Act for the vacating, breaking and annulling of sev[l] extravagant Grants of Land &[a] now under your Lord[ps] consideration, which I hope may serve as an Answer to that part of the Gentleman's long & elaborate Argument that respects this Act.

The first thing that the Gentleman objects against is the clause in which it suspends M[r] Godfrey Dellius the exercise of his Ministerial function in the Citty and County of Albany in these words,—That it having appeared to the House of Representatives conven'd in Gen Assembly that M[r] Godfrey Dellius has been a principal Instrument in Deluding the Mohack Indians, and illegally and surreptitiously obtaining of the said Grant, that he ought to be & is hereby suspended from the exercise of his Ministerial function in the City and County of Albany. These Words are Represented to Your Lord[ps] to be so uncertain as nothing can be

more, not specifying how and in what the Indians were deluded, and how Mr Dellius was instrumental &a

In answer to this I shall plainly State the matter of fact, and then submit to Your Lordps judgment what weight this part of the gentleman's Argument carrys with it. Mr Dellius had been long minister at Albany the Frontier of that Province towards the French, and bordering upon the five nations of the Indians, with whom that City has a great intercourse on account of trade, as particularly Mr Dellius had under the specious pretence of endeavouring their conversion; this gain'd him a sort of superiority over them, and an intire relyance on him in all their concerns, which he made a very ill use of, to obtain the lands in question specified in the said grant; for he surmises to the poor deluded people whom he had purposely sent for to his own house, that some persons were endeavouring to procure from the then Governmt of that Province a grant of the said lands, by which they would be utterly ruined, to prevent which he advised them to lett him, the said Dellius, and four more his confederates have the said land in trust for all the nation of the Mohacks, they not desiring to have a foot therein to their own use, but only as Trustees to the preservation of it to them the said Indians & their posterity; This, with other Arguments of the like nature were made use of to 8 of them, not altogether at a time, but severally & at different times; and when some of the poor Creatures questioned the matter, and alledged that it was proper that all the persons concerned shou'd be present to consult together, they were answer'd that there was no harm in it, for it was for their own Security: Upon such assurances as these it was said by them, let a writing be made to this purpose, and such Deed as they thought, and were assured it was, being offered to them, the aforesaid 8 persons, without any authority from, or the knowledge of any other of the Nation, perfected the same; But as they had been circumvented severally, so they signed it without the knowledge some of the other; And the Nation had no notice of it, till the matter came to be examin'd into, as it was soon after. For upon the first Applications to the late Governor of that Province, for a grant in His Majesty's name of the said lands, grounded on the aforesaid deed, the Magistracy and Commonalty of the said Citty of Albany petition'd against it, as what wou'd be a grievance to them, a violence to His Majesty's Governmt and destructive to the rights of that citty; Notwithstanding which the said Govr having been pleas'd to pass the same, they immediately upon the Earl of Bellomont's arrival into that Governmt addressed themselves to his Lordp by Petition on the same Account, who thereupon issued out several Orders for all persons concern'd to appear before him. Two of the said Pattentees upon these Proceedings were so honest and discreet as to Surrender their parts of the Said grant, Declaring in their several Resignations that whereas their true Intent and meaning was that the said land shou'd solely and wholly remain and be preserved, and kept for the use and benefit of that Indian Nation called the Mohacks, and that if it shou'd be otherwise, it would be a great discouragement to the Indians, and to the Trade of the City of Albany,—They therefore freely, voluntarily and of their own accord, surrender and Resign &a The three other Pattentees did not think fitt to appear, but his Lordp proceeding to examine into the matter, the fraud of it fully appeared to be as I have laid it now before your Lordps upon the Oaths of two Indian Christians, who were 2 of the 8 persons so circumvented.

Upon these Transactions, the Representatives of the City & County of Albany thought it their Duty in the behalf of themselves and of the rest of the Freeholders of the same to present a Memorial to his Lordp setting forth in Substance that they conceive the grant therein named to be injurious not only to His Majesty's Intrest, but to all the subjects inhabiting the said

City & County, by reason that it wou'd constrain the Indians to desert the Province and fly to the French, by which His Majesty would loose a considerable branch of His Revenue arising from that Trade, and in case of another war, the Chiefest Strength of the Province; it being manifest that unless the same had been manfully defended by the Indians, the French wou'd have made many Inroads to the Disadvantage of it, and therefore they humbly pray His Lord^p^ to interceed with His Majesty for the vacating of the said grant, &^a^

The Indians themselves being under a general discontent, the Earl of Bellomont thought it for His Majesty's Service to give the five Nations of them a meeting at Albany, where the very first thing that was complained of, in the name of them all, was this pernicious grant, and that in such implicite threats, and in such terms as deserve Your Lord^ps^ observation, and at a conference two or three days after, where there was present 25 of the Chief of that nation, the Matter was thoroughly examin'd into, and the transaction affirmed by the whole body of them, to be in the manner already recited, and was further confirmed by the Oath of a third Christian Indian, who served as Interpreter to M^r^ Dellius, when he was negociating this Affair.

The Earl of Bellomont, as his duty was, among other things communicated this matter with the proofs of it, and a Statement likewise of other extravagant Grants, to the Lords of this Honourable Board, and their Lordships were pleased to represent the same, and their thoughts thereon to their Excellencies the then Lord Justices, who upon that Representation sent orders to the said Earl to put in practice all methods whatsoever, allow'd by law, for the breaking and annulling Exorbitant, irregular and unconditionated Grants.

The Assembly of the Province being mett, and the House of Representatives examining into several Extravagant Grants, and the manner of their having been obtain'd, they took cognizance of this unpresidented dealing of Dellius, which they looked upon to be such a Misdemeanour as that they order'd the following articles to be exhibited against him, and against Evert Banker and William Pinhorn, viz^t^

"That the said persons (Dellius & Banker) being at that time intrusted with the Indian's "affairs did fraudulently deceive and delude several of the Mohack Indians to the number of "Eight, to sign a certain Deed of Sale of the greatest part of the Mohacks' land; That they "did wickedly betray the trust in them reposed by causing them to sign the said conveyance; "Whereas the Indians only intended to sign a Deed of trust for their own use.—That they "did upon this fraudulent & illegal conveyance procure a Patent of the late Gov^r^ Fletcher for "the greatest parts of the Mohacks land; Whereas they cou'd at most challenge but 8 Shares of "several hundreds if their conveyances had been legally obtained; That therein also they "betray'd the trust in them repos'd by the said Indians, in Procuring the Patent to them & "their heirs for ever, instead of having it made in trust to them for the People.—That they "the said Dellius and Banker did also betray their trust by taking in William Pinhorn as a "partner, who was never intrusted by the said Indians."

M^r^ Dellius and M^r^ Banker being sûmon'd did accordingly appear, and the charge exhibited against them was read unto them and upon their Desire a Copy of the said Charge was ordered them, and time allowed to give in their answer. M^r^ Dellius instead of making any Defence fled the Country and came over to England; But the Assembly having full proof of the matter before them, and which M^r^ Dellius' flight enough confess'd thought it a crime of too high a Nature to pass uncensured, and therefore since he had abus'd so much the credit which his function gave him, and brought a Scandal upon our religion itself among the Indians, they suspended him, by the clause against the Exercise of his Ministerial function, but that

only in the place where he had behaved himself so ill, viz^{t} the City and County of Albany, and where his continuance might prove a very great Obstacle to the Conversion of the Indian Natives. This is the crime and these the several proceedings of the Government and Assembly there, before the enacting of this clause, which being in the nature of a Judgment given by a Legislative Power, upon full Examination and proof of the matter, need not, with submission descend into particulars, but specify in general Words the nature of the Crime, as is even in the Practice of the Courts at Common Law.

My Lords, — As to the Act in General it is made in pursuance of their Excellencies the Lords Justices' Instructions, which are misrecited by the Gentleman and Denyed to intend anything, but to Vacate Grants by a Proceeding in the Ordinary course of Justice; The Instructions are to put in practice all Methods whatsoever allowed by Law for the breaking and annulling of Exorbitant, irregular and unconditionated Grants; and certainly the meeting and regular proceedings of this Assembly being according to the Constitutions of the Province and allowed by Law, their passing of this Act must be pursuant to these Instructions, which seem only to intend a Proceeding by the Legislative in the extraordinary word made use of, of breaking and annulling, which are never applyed to the ordinary proceedings on a scire facias in which the proper term is to repeal.

This Act having therefore pursued their Excellencies Instructions, I humbly take my business to be to lay before Your Lordships the Exorbitancy, irregularity and other circumstances of the Grants in question, which brings them within the Intention of the said Instructions, and under a Necessity of being broke and annulled: The two Grants the Gentleman most insists upon is that already mentioned, to Dellius, and his Partners of the Mohacq's lands, and another to Col^{l} Bayard of lands of the same Indians; Your Lordsh^{ps} have already seen how good a purchase was made of the 1st lands, and there is full proof that that of the other in the most material Circumstances of it is not at all better, for while these People were out a fighting in Our Service against the French, an agent of Col^{l} Bayard's gets in with 6 Idle drunken men of that nation, and for a little Rum and some other Goods buys of them for the said Bayard a Vast tract of the Mohacks' land without the knowledge of the Proprietors or any Authority from them to the said 6 Persons. If these Grants which strip the Indians so injuriously of their Property be not Vacated the whole 5 nations of them have Sufficiently shewn their Dispositions to desert, and then His Majesty would loose a considerable branch of his Revenue arizing from the Trade with them, The Frontier wou'd be weakned and left Exposed in case of another war to the Inroads of the French, and the Inhabitants of a great part of the Province forced to quit for their Own Security; and with the fatal Consequences of this I humbly submit to Your Lord^{ps} whether the honour of His Majesty and even of Religion itself is not Ingaged to see justice done to these poor Ignorant People, who often appeal to the Covenant Chain between us, and to the Protection the Crown of England has promised to them, and I presume it was upon such or more weighty considerations that their Excellencies gave their particular Instructions to have the grants of the Mohack lands annulled. Tho' as I humbly conceive more than enough has been said for the necessity of vacating these Grants, and which makes it needless to follow the Gentl^{n} Paragraph by Paragraph, in his Argument, when the whole is without foundation, yett these will fall under other considerations with the Rest of the Grants vacated by this Act.

The Constitution of the Province when under the Duke of York, and the Instruct^{ns} of former Gov^{rs} when it came under the Crown, permitted no grant of land to exceed the quantity of 2000 acres, because that was looked upon as much as was in the Power of any Grantee to

improve and settle; and that Grants exceeding such proportions prevented the Cultivating, peopling and Strengthning of the Colony, and thereby manifestly tended to the Impoverishment & Ruine of it, therefore it was prudently provided for, by a law, that unless lands were improved and settled within three years after the respective grants, they were then to revert to the Grantor, or to that effect. There was likewise care taken of the Revenue of the Crown, by a Reservation of suitable quit Rents, viz^{t} of a Bushel of Wheat or half a Crown for every 100 Acres. And if the late Gov^{r} had no particular Instructions Yet the very trust reposed in him, shou'd have obliged him to do nothing contrary either to the interest of His Majesty, or the good of the Province he was sent to take Care of, neither of which he seems to have consulted in the passing of these Grants.

The grant to M^{r} Dellius of a certain tract of land lying on the East side of Hudson's River, bound as in the Act, and which is of 70 miles in length and 12 in breadth, may equal most of the Counties in England, and which, Reduced into Acres, will be found to contain above 537,000; And tho' the Act makes of it but this Extent, in which I presume it follows the mistake of the Patent, yet the Account of His Majesty's Surveyor General there, gives it 16 miles more of length, and that added to the former Acres, will make them amount to very near 620,000, for which a Quit Rent is reserved to His Majesty of a Racoon's skin per annum. The other Grant to Dellius and his 4 Partners, the land of which lyes on each side of the Mohack's River, and includes the very three Castles of that nation, contains 50 miles in length and 4 in breadth in which there ca'nt be less than 128,000 Acres, the Quit Rent reserved is one beaver Skin for the first seven years, and 5 Beaver Skins yearly for ever after.—The Grant to Col^{l} Bayard is not so particularly set forth as to the length and breadth of it as the two former, in the Act; Tho' by the boundaries it appears to be Extravagantly great, and the Indians, who are known to be Extraordinary footmen in their complaint call it a vast tract of land which a Young man had enough to do to run over in a day; And by this Grant his Majesty's Revenue is increased by the Reservation of an Otter's skin p^{r} Annum. Capt^{n} Evans' grant by its Boundaries appears to be prodigious, and the Surveyor General has reported it to be of 40 miles in length along Hudson's River, and in breadth of 30 miles in some places, and of 16 in others; Which computed at a Medium must contain above 650,000 Acres, which pay the yearly quit rent of 20 sh. yearly and one fat buck.

These vast Tracts of land which by reason of their Situation contain every foot of ground in the said Province, remaining fitt to settle and to be Disposed of, were all granted away unsurvey'd, without any consultation with His Majesty's Attorny Gen^{l} there, without any conditions to settle them in any time, as has appeared, and without any suitable Quit Rents Reserv'd to His Majesty, who by the said Grants is made unable to Reward by any gifts of land such who by their services there, either in peace or War, may deserve His Majesty's favour; nor is there any room left for servants after their freedom to settle upon, and therefore no Incouragement for such to go thither, so that if such Extravant grants as these shou'd be confirmed, they would inevitably tend to the Impoverishment and Ruin of the Province; for not to mention again the Desertion of the 5 nations of the Indians, and the fatal Consequences it wou'd occasion, it is impossible that such Extents of land shou'd ever be improved, and settled by so few Grantees, the Costs of clearing a single Acre having been Computed at above £4, nor can it be expected that they will ever be able to meet with Farmers to purchase the same under them, when the Profit that will be expected by the grantees over and above the charges of clearing the lands, must be a load upon them, and when upon much

easier terms they can have land in any of the neighbouring Colonies, and there being then no prospect left that the People, and consequently the Riches and Strength of the Province may increase, it must needs give a great Discouragement to the Traders, and others already settled there, as may cause a decay of the Trade, a Decrease of the Inhabitants, and at last the Utter Ruin of this His Majesty's most important Colony in America.

Whereas by His Majesty's Approbation of this Act the Right done by the Government there to the Indians will be confirmed, and their loyalty to the Crown more established, His Majesty will be put into a capacity again of bestowing marks of His Royal favour there, and by a prudent disposition of lands for the future, and a suitable Reservation of Quit Rents which these Grantees had no regard to, the People's Strength and Riches of the Province will be increased, and His Majesty's Revenue there, in all the branches of it, improved; And here, My Lords, I must humbly submit it to Yo^r^ Lord^ps^ whether this Act in vacating Grants attended with such pernicious consequences, and passed with such an Apparent breach of Trust, is unreasonable or unjust, or has done Anything to the Discouragement of Planting and Improving of lands, or to the Subversion of Government and reducing things to disorder, as the gentleman by many arguments endeavours to prove to Your Lord^ps^ But, my Lords, if the Extravagancy of these Grants by reason of the Vast Extent of lands they pass away, and otherwise sufficiently appear, I presume the other grants will prove no less extravagant when the nature of them comes to be considered; For they have passed away the very Demesnes of His Majesty's Fort at New York & stripped the present & all His Mat^y's^ future Gov^ts^ of almost all manner of conveniences of living; By one grant a lease is made to the Church of the King's farm, which used to supply the Gov^rs^ familly with corn, and the adjoyning meadow part of it by another is made away to Captain Evans and a third Grant to Col^l^ Heathcot, takes away even a part of His Majesty's Garden, which served for sallading, and such like necessaries; and in the generous fit the late Gov^r^ was in upon the news of a Successor, Nutten's Island the only Remainder of His Majesty's Demesnes, wou'd have gone, if the then Council there, wou'd have carried their Complyances but never so little farther.

Commissions during his Majesty's pleasure are always superceded here, by the passing of others subsequent to them, and if in America the necessity of affairs continues one Governor in the Administration, till the arrival of Another, yet Reason and Modesty might oblige such persons at least to leave all things (especially the Advantages of the Crown) in the same condition as the first advices of His Majesty's will and pleasure found them; But all these grants, as I am informed, of his Majesty's Demesnes, and most of the Rest before mentioned, were passed after the late Gov^r^ knew very well his Commission was superceeded, and was well acquainted with the character of the person who was comming to succeed him; He might think it high time then to Oblige a party of men, and to confirm them fast to his Interest, who had been all along linked with him in his administration, of which this Honourable Board has had a full account in Articles exhibited, And as I am informed fully proved against him, and might be very willing to streighten and put all the Inconveniences he cou'd upon a Government which cou'd but be conscious wou'd so little resemble his own; and if such were the chiefest Inducements he had to pass these and most of the other Grants I humbly hope Your Lord^ps^ will think it a sufficient Argument for His Majesty's confirming this Act, in the Breaking and Annulling of them.

But says the gentleman, this Act is unjust, because it seizes into the Kings hands land that were never the possession of the Crown, and instances in the Mohacks lands granted to Col^l^

Bayard and Mr Dellius; in which with humble Submission he seems to me to be much mistaken; The Act according to the Instructions, vacates and annuls these and the other grants, and His Majesty is thereby fully and Immediately Reseized & Repossessed of all, and every the before granted and Demised Premisses, in as full and ample manner as if the same had never been before granted & demised; Which clause vesting no more in the Crown than it was in possession of before the said grants were made, cannot be therefore construed to extend to the Mohacks lands, but must leave the Right of these, and of any other lands in the Act mention'd to stand as it did before the Grants were made, and so both the Governmt there and the Indians themselves have understood it; These have by a public Address to the Lieut Govr and Council, thank'd the King their Lord, and the Governor, for restoring to them their lands again; And declared that what they did was by the consent and knowledge of their whole nation.

There are two more Objections against this Act which I beg to take notice of, which are, For that there is no care taken in it, to reimburse the grantees the charges they may have been at, and for that it seizes all, instead of Reducing the Extravagancy of the Grants to reasonable limits; To which I might answer in Short, that in this the act has but exactly pursued their Excellencies Instructions, which were to break and annul, without any notice of pretended Improvements, and without directions to leave anything in the possession of the Grantees, and that in this it has but done what the late Act of Resumption of the Irish Forfeitures has in a much more Egregious manner, and which it resembles much more than the Gntlp is willing to allow, But as to his first, I believe were accounts of the pretended charges of these Grantees to be taken, they would amount to little or nothing: most of them having made no pretences of any, as ever I heard; And Coll Heathcote who, as they say, has built something on that part of the King's garden granted to him, has been more than over paid (as I am inform'd) the costs by the usufruit of it; However if His Majesty shall think fitting to have the matter examined into, I presume the Government there will be thought the best able to do it, and may with an inconsiderable charge make full Satisfaction; and as to the second, if His Majesty shal think a Bayard or a Dellius, a Pinhorn or a Banker, or any of the other Grantees fit objects of his Royal favour, it is fully in His Majesty's power by this Act, to grant unto them such land as to His Majesty shal seem fitting, and which I presume will then be under the limitations prescribed by the Lords Justices, in the Instructions so often mention'd, which already seem to have adjudged this matter, and to which I humbly refer myself, as having no Copy of them by me.

I sha'nt trouble Your Lordps with any Notice of the very great freedom [the gentleman] has treated the Legislative Power of that Province with, or of his Governour and 14 or 15 men who do such a deal of mischief in his Argument, for with such like Suppositions as he has made, the Constitution of this Kingdom which the other is but an Imitation of, might as well be Ridicul'd, and many of the Woud bees of his Majesty's Liege People frightened out of their wits; And with like respect to your Lordps time I shall not recapitulate or make any Apology for what is here by Your Lordships Commands humbly laid before you; Your Lordps great judgment and Candour, will, I humbly hope, both pardon and supply the Defects of it, and not lett the Earl of Bellomont's Honour, which the gentleman has too much concerned in this matter to suffer by my weakness. I am with all duty. My Lords,

Your Lordps most humble
& most faithful Servant.
J. Champante.

October 26th 1700.

Mr. Champante's Objections to Mr. Solicitor General's Report.

[New-York Entries, G. 70.]

Objections taken to Mr Solicitor General's Report Relating to Several Acts of the General Assembly of New York.

Objection 1st Whereas in the said Report, there are several Allegations therein said to be for or against an Act, intituled an Act for the Vacating, Breaking and Annulling several Extravagant Grants of Lands, made by Coll Benjamin Fletcher, the late Govr of this Province, under His Majesty; It is objected thereto for that the matter of the said Allegations do not properly lye before Mr Solicitor, he being, as is conceived, only to consider the Reasonableness and lawfulness of the said Act, with Respect to His Majesty's Prerogative, and the Customs of Parliament here, and therefore ought to have reported That the Proceedings of the General Assembly in passing the said Act, were legal and consonant to the Custom of Parliament, and that the said Act is not only not prejudicial to His Majesty's Prerogative, but highly advantagious in reinvesting Great Tracts of Land in the Crown, and restoring the necessary conveniences of living to His Majesty's Govr and to His Majesty's Indian Subjects, the lands they had been defrauded of, and this in pursuance of His Majesty's Instructions by the late Lords Justices upon the Representations of the Lords Commissrs for Trade and Plantations, in which are specially expressed the Several grants of lands resumed by this Act.

2d As to the Allegations themselves generally Objected to as before, it is further Objected that there is no mention made therein of the fraud used by Dellius in Obtaining the said Lands from the Indians, nor of the Surrender to His Majesty of the other persons concern'd in the same grant.

3d Whereas the Allegations relating to Mr Dellius' Suspension and Character Recite that by the said Act it is suggested he had Deceived the Indians but in what not mentton'd, nor in Truth cou'd any person who appeared in behalf of that part of the Act say what Deceit that was. It is objected thereto, for that the said Act does particularly set forth that his Deluding the Indians was by an Illegal and Surreptitious Obtaining of the Grant of the Lands therein mentioned, and the persons appearing in the behalf of the said Acts, were ready and able to prove the same by the Depositions of the Indians concern'd & otherwise, but that Mr Solicitor did declare that he must take the Allegations of the Act for granted and that he did not look upon the particular matter to lye before him, and therefore it is yet further Objected that no particular Certificates in favour of Mr Dellius, such as in the Report mentioned, ought to be taken notice of, against the Sense & Judgment of the General Assembly, especially when the said Certificates were neither produced or read before the Persons appearing for the said Acts.

4th As to that part of the Report relating to Mr Heathcote's Grant which recites that the Act cals it an Extravagant grant, without expressing in what it is Extravagant, it is conceived that the Act fully sets forth the nature of the Extravagancy, and the Reason of the Presumption, by declaring it to be out of the King's garden, and part of the same; And the Denomination it has in the very grant itself, is expressed by these words Part of our Garden; It is further objected against the words in the said Paragraph, vizt But nothing of it was proved, that they ought not to be incerted, because the land being Part of the King's garden, and therefore pleasant & necessary for the King's Governors, was proved as aforesad

and as to the remaining Allegations of the Paragraph they were grounded on the Affirmations of both sides which were equal proof.

5th As to that part of the Report relating to the Grant of the King's farm, and which sets forth the Vacating of it by the said Act for being Extravagant without Expressing in what, it is likewise conceived, That the Act declaring it to be the King's Farme does therein sufficiently Express the Extravagancy of the said grant, And the Allegations against the said Act recited in the Report were without Proof, and are contrary to matter of fact.

6th As to the Allegations in general against the said Act, they are all without proof, and therefore ought not to be so much insisted on as they seem to be in the sd Report, which as is conceived shou'd not take notice of any Allegations against the General sense of the Province, expressed by their Representatives, without the highest Proof imaginable, And it is apprehended that the Allegations for the said Act are not set forth with the Proof, nor as fully as they were Offer'd.

J. Champante.

Allegations which ought to have been inserted in the Report of the Solicitor General.

[New-York Entries, G. 74.]

Allegations which of right as is conceived ought to be inserted in Mr Solicitor General's Report, relating to several Acts of the General Assembly of New York, if the Objections Offer'd to the Same by the Agent of the said Province be overruled.

The Act chiefly objected against is the Act for vacating &a Several Extravagant Grants &a

Dellius &a Grant Vacated.

Allegations. But for Confirming the said Act it was said that the pretended purchase of this so Vast a quantity of the Mohack Indians land, was Obtained Surreptitiously and fraudulently by pretending that it shou'd be only in trust for them the said Indians and their Posterity, and the better to secure it from the enemy in the then time of War, And that the said pretended purchase was complained of by all the five nations of the Indians as a Breach of the Alliance, and Redress therein desired by them, And that two if not more of the five parties to the said Grant have voluntarily Surrender'd their Shares therein, Declaring in the Deeds of Surrender the aforesaid Trust; It was further said that this Tract of Land being so Surreptitiously purchased by Dellius, the Indians pro ut in the Report.

As to Dellius' Suspension from his Ministerial Office the Agent does refer to his 3d Objection to the Report, and to what is above set forth: As to the fraud which is fully proved by the Depositions of some Christian Indians and the General complaint of the five Nations.

Mr Heathcote's Grant.

Allegation. But for the Said Act it was said that the said land being part of the King's garden was pleasant and absolutely necessary for the Governor, being the only conveniency left him for either fruit or Sallad, and as being part of the King's demesnes, neither cou'd nor ought to have been granted away, And for the charge he had been at it was supposed that Mr Heathcote had reimbursed himself by the Profit Received.

As to the words, but nothing of that was prov'd, the said Agent refers to his 5th Objection against the sd Report.

Lease of the King's farm.

Allegation. But for the said Act, it was said that this Farm was likewise part of the King's Demesnes, and therefore a great breach of trust in Col. Fletcher to grant it away; That it was likewise necessary for the present Govrs conveniency for the Support of his family, and that he had settled on the Minister in lieu of the said grant about £30 pr Am which was above 20£ pr annum advantage to the said Minister

Colonel Bayard's Grant.

Allegation. But for the said Act it was said that the said purchase was Obtained of Six Indians when Drunck, and when the rest of the Nation were out a fighting against the French; That the said Persons had no right to sell the same, and that the whole nations applied themselves for justice to the Majistrates of Albany, & afterwards to Coll Fletcher, without any redress, and that this transaction is proved by the Oaths of Christian Indians.

Allegation Upon the whole, what is said against the Grants (Except these few which are for the Conveniency of the Governor) is the great Extent of them, contrary to the usual Instructions of His Majesty's Governors there; That there are no necessary conditions in them for the settling in any due time the said lands granted, which it is impossible for so few proprietors ever to do in such Vast tracts, and that consequently the Frontiers will be left naked and exposed; That there is no further Encouragement left, either to servants made free or to any persons who shall deserve His Majesty's favour in these parts, there being no lands left in the said Province fit to settle undisposed of; and that therefore the said exorbitant grants must be destructive to the said province.

As to the Allegations against the said Act, the said Agent refers himself to his Aforesaid Objections which with these Allegations are by him Submitted to Mr Solicitor's judgment.

Colonel Robert Quary to the Lords of Trade.

[Plantation General Entries, XXXVII. (D.), 180.]

To the Right Hon^ble^ the Lords Commissioners for Trade & Plantat^ns^

Right Hon^ble^.

I have omitted no oppertunity of paying my duty to your Lordships, my last was of the tenth of April, by a ship from Maryland in which I gave your Lordships a brief account of the severall Neighbouring Governments, but more particularly the confusion and distraction of M^r^ Penn's two Governments, that of Pensilvania and the other of the three Lower Countys which the Lieutenant Governor without any orders or Instructions (that ever I could learn) hath made a distinct Government of it, hath called Assemblys, made laws levyed forces and under pretence of something he calls a Fort, they have laid an imposition on all ships or vessells which pass up or down the River to force them to pay powder mony at a very extravagant rate for a ship of two hundred tunns amounts to near fifteen pounds in money, the Merchants and inhabitants of Pensylvania are inflamed at this law, and refuse to submit to it, the Lieutenant Governor and Assembly of the Lower Countys resolve to stand by their Law, so that the two Governments are in a state of war, the Fort firing guns with ball at all ships that will the law, come to and pay the powder money, the Masters of the Vessells are Ordered not to submit or pay, but if the great Guns miss of doing execution then they mann boats from the Town of New Castle and board the Vessells, and take the Masters out of them, and carry them to Goal they have pursued Vessells which passed by the Fort and have seized them in the Government of the Jerseys, even while his Excellency my Lord Cornbury was there but his Lordship quickly interposed, and the Vessells and Prisoners taken within his Government was discharged, it is impossible for me to represent to your Lordships, the Confusion that is between these two Governments on this occasion, M^r^ Penns authority fighting against himself.

But now I must lay the scheme in M^r^ Penns own province, and then the War is as hot and I fear of a worse consequence, then between the two Governments, for here is the Assembly against M^r^ Penn and his deputy and they against them, the Deputy Governor hath strangely incensed and disobliged all sorts of people on the other hand, the Assembly do carry their resentments against him, and the proprietor to that height, that they are resolved to have all the Government and powers into their own hands, they insist to have the sole regulation of all Courts, and the nomination of all officers, to sett when and as often and as long as they please on their own adjournments, they have filled a vollume with Votes and Resolves, and what they call their Rights and Privileges So that they have banished all Prerogative & Government but what is lodged in the Assembly I should quite tyre your Lordships, should I pretend to tell you the tenth of their folly & extravagancy, which may sufficiently convince all men, that the Quakers principles is not consistant with Government, I ought not to call it principles, but rather Temper and humour, which will oppose all Government and submit to none but what is lodged in their own hands I did not think fitt to trouble your Lordships with a long history of these confusions, by reason I have dayly expected to have heard that M^r^ Penn hath already surrendered up the Government to the Queen, or at least that it is done by some other persons for when ever the Government is in the Crown, all these confusions will be at an end, provided the Quakers are excluded from having the Administration of the Government in their hands, and now that this great truth may more plainly appear to your Lordships I beg

leave to shew of how pernitious a consequence the infectious humour, temper and evill principles of the Quakers are of, in relation to Government give me leave to mind your Lordships of that daring insolent Act past by the assembly of Pensylvania which directly struck at the Queens Prerogative by disowning her orders and Instructions, and passing an Act in opposition to it, this matter hath been laid before your Lordships with an address from her Majesty's good Subjects, who are members of the Church of England setting forth the very great injuries and hardships which they labour under by that unjust Act, all which hath been fully considered by your Lordships, and as I am inform'd, the proper resolutions taken thereon and therefore will not take up more of your Lordships time in making any further remarks or comments on it, but proceed to shew the evill effects and consequences of the Quakers insolent opposition and affronting the Queens authority, and this will appear to your Lordships by the severall steps taken by the same sect of People, the Quakers of her Majestys Province of New Jersey, his Excellency my Lord Cornbury having issued out writts for calling an Assembly the first step taken by Samuel Jennings the head of them, was his declaring that he would no longer serve the Queen as one of her Councill his pretence was, that he could not bear the charge of it, but the true reason was, that it was not in his power in that station to doe so much mischeif to the Queens interest, as he might do in the Assembly into which he was sure to be chosen and in order to the having himself and others of his principals brought into the house of Burgesses, there was effectuall care taken to possess the whole Country, that all their libertys and propertys lay at stake, & depended on their choice of the Assembly they had prepared a list of such as they thought fitt for that purpose and assured the people, that if they would choose of them that then there should be no money raised for the support of Government, nor any Militia Act past, this was too powerfull a baite and produced the desired effect, those very men were chosen in the Western Division and the same methods taken by Collonel Morris and his faction in the Eastern Division but for the more effectuall carrying on this design the heads of the faction in both Divisions agreed on a most scandalous libell, of which they got a vast number printed, and took care to disperse them through the whole Province, perhaps there was never a more scandalous libell published, a copy of which with the severall steps taken by his Excellency to discover the authors & publishers, I must refer to my Lord who I presume sends it by this opportunity And now after all these indirect means used it is not strange, that they gained their end on an Assembly for their purpose who att the day appointed mett, and then to shew that they were resolved to answer the end for which they were chosen, they satt above a month, in all which time they did not make the least stepps towards the preparing any act for the support or defence of the Government, but their whole time was taken up in matters that did not concern them. The service of the Queen or that of the Country[1] y^e^ particulars I cannot refer to the Journal of the house since the greatest part of what they did was secreted not only from the Clerk of the Assembly, but from severall of their own members and whilst the house was busy in doing what was nothing to the purpose. M^r^ Jennings & Coll: Morris with the assistance of two or three others was very hard at work in hatching the most scandalous paper, that ever I saw in my life. I will not presume so far on your Lordships time as to make remarks on the severall parts of it since that will be done by all the Gentlemen of her Majesty's Council for that Province, who are the most propper Judges, and therefore will referr to their address but cannot

1 The words "the service of the Queen or that of the Country" ought, seemingly, follow the word "Government" in the preceding line. But the passage is printed according to the MS. — Ed.

let it pass without asserting thus much concerning it, that it is false malitious unjust and most barbarously rude they have treated his Excellency most inhumanly without the least regard to his Character under the Queen nor have they so much as considered him as a Gentleman, but loaded him with scandalls, which they very well know are false and cannot be proved, but I think my Lord ought to be very easy under this barbarous usage since they have not spared her most Sacred Majesty, but have charged her with injustice but there is still behind something of a more pernicious consequence than all this which I think myself obliged to lay before your Lordships; you have seen that the Government of Pensylvania have thrown off all respect & regard for any of the Queens order or instructions, which appears to your Lordships, by making an Act of Assembly directly opposite and contrary to them were this evill confined to that Government; only, I should not give your Lordships any trouble about it, but the infection of this grand evill is spread over all the Queen's Governments, and that it hath taken deep rooting in that of the Jerseys will appear to your Lordships, by my acquainting you that I was present in Council when his Excellency having occasion to summon Coll: Morris, Samuell Jennings & severall others of the heads of that Faction his Lordship was pleased in order to the giving them satisfaction about some matters which they clamoured against, to produce her Majesty's instructions to them, out of which he ordered some particular clauses to be read, thinking (as I suppose) that they would be concluded by them, but it had quite a contrary effect for Collonel Morris at the mouth of them all told his Lordship, that the Queens order & instructions did not concern or affect them, nor should it conclude them any further than they were warranted by law, this bold assertion occasioned some debate, but after all they were firm in this their pernitious principles, and now your Lordships may plainly see, what these men do aim at, & what the consequence must quickly be, if not prevented, for having thrown off all respect and obedience to the Queens orders and instructions; by what must they be Governed for the Laws of England they will not allow of but when it suits their interest, or to serve a turn; when it is contrary to their wild notions then it shall not oblige them unless the Queen will allow them to send their representatives to sitt in the Parliament of Great Brittain, so that there is but one way more to Govern those men, which must be by laws of their own making but in this they are safe enough since they resolve to make no laws, but such as shall lessen and impower [impair?] the Queens prerogative and Authority and suit with there own humours if her Majestys Governours will not consent to such laws, then they will give no money to support either Governour or Government but all shall sink, this is the gam which they now resolve to play in Pensylvania, New Jersey and New York the first of these had not given the last tax, but as a bribe to have the Act pass'd for affronting and destroying the Queens orders, the Assembly of the Jerseys resolve to give no money unless they can be freed from a Militia, and have an Act to ruin half the people of the Province, and should they gain all this, yet they will not give enough to support the Government, and that itself shall be under such circumstances and limitations as to answer no end; the Revenue of New York expires very quickly in May 1709, & they resolve never to renew it, this is the discourse in every mans mouth, but some of the most considering men will say, that perhaps they will give money for the support of Government but it shall be only from year to year, and disposed of as they think fit, so that the Governor and all the officers of the Government shall depend on them for bread, and then farewell to the Queens interest, thus I have laid before your Lordships the plain and true state of these Provinces, which do require your serious considerations and a speedy effectuall remedy, were your Lordships on the spot, to hear and observe it would alarm you, I am sure it gives me many uneasy thoughts, I will not

presume to propose the remedy of these great and growing evills, without your Lordships leave and direction, but I am sure something ought to be done and that quickly, I do most humbly begg your Lordships pardon for the freedome I take, since it proceeds from a most hearty zeal for the Queens Service, I am now hastening to visit all the Northern Governments from whence I shall find subject matter enough to give your Lordships the trouble of another letter from which I hope your Lordships will excuse and pardon

R^t^ Hon^ble^

Your Lordships most

Philadelphia faithfull & obed^t^ Servant

June 28, 1707. Rob^t^ Quary

Lord Cornbury to the Board of Trade.

[New-York Entries, G. 113.]

To the Right hon^ble^ the Lords Commiss^rs^ for Trade & Plantations. &

My Lords

I trouble Your Lord^ps^ with these few lines only to inclose an Address to Her Most Sacred Majesty the Queen, to congratulate the happy Success of Her Majesty's Arms in the last Campaign; It is signed by myself and all the Members of the Council now in being. We beg Your Lord^ps^ will be pleased to lay it at Her Majesty's Royal feet; This wou'd have been done sooner but for the difficulty of getting all the members of the Council together; We therefore hope we shall not be thought negligent of our Duty.

I take the liberty likewise to send Your Lord^ps^ a duplicate of my letter of the 7^th^ of June, which was writ immediately after my return from New Jersey, in which I gave Your Lord^ps^ an account of the proceedings of the Assembly of that Province, that went by the way of Jamaica and I hope will reach your hands long before this. In March last I sent copies of all the Proceedings in the Assemblies of this Province since my coming hither, and of all the Minutes of Council 'till M^r^ Clarke came to be Secretary, and some time since that time; I hope the rest will be ready in a short time, I hope to send them by the next ship, which will sail in about three weeks time.

I have nothing new to acquaint Your Lord^ps^ with, relating to this Province, only that two Privateers, one from Placentia, and the other from Petit guaves[1] have been upon this Coast;— The first was an English pacquet boat called the Queen Ann, She was taken in the West Indies, and was made a Privateer; I had notice some Privateers threat'ned our coast, I therefore ordered Capt^n^ Davis with Her Majesty's Ship Triton's Prize to cruize between the Capes of Delaware and the East End of Long Island; Before he cou'd get ready I went to the Jerseys; After he was gone he applied himself to the Gentlemen of the Council for some men he wanted; They considering that it was the Season of the Year for vessells to come in, and fearing delays might be dangerous, they gave an Order to Capt^n^ Matthews to send a Lieuten^t^ and twenty men of this garrison on Board the Triton's Prize which was done, and

[1] In the Island of St. Domingo. — Ed.

immediately he went to sea, and that night he saw the Privateer, gave her chase All night, and at five of the clock in the morning he came alongside of her and poured in his broadside; the first Volley of Small shot the privateer made Captain Davis was shot in the neck, two soldiers and two Sailors were killed, and five more wounded, of which one Sailor is since dead, and one Souldier will dye; The Privateer had fourteen guns and one hundred and Eighty men, and fought very Stoutly, but Capt Davis plyed him so warmly, that the Privateer was forced to Run, The Triton's Prize chased her till night, that the wind dying away the Privateer took to her Oars, and so got away. Capt[n] Davis behaved himself as bravely and as well as any man in the world cou'd do; Having lost sight of the Privateer he came into Sandy Hook, and sent up the wounded men; And the Gentlemen of the Council sent him down some sailors they had caused to be pressed; The next day he put to sea again, but had not the luck to meet with the Privateer; In a few Days the time of his Cruize being expired, he came into Sandy Hook, and himself came up to town to acquaint me with what had hapned in his Cruise. Two or three days afterwards I received a letter for Col[l] Seymour Gov[r] of Maryland, and another from Col[l] Jennings, President of the Council of Virginia, to acquaint me that a French Privateer lay cruizing off the Capes of Virginia, and had taken seven vessells bound in thither, from England and other places; That one of the Prizes had ransom'd, acquainted them with it; That they had no man of War in their Governments, and desired I wou'd send one of the Men of War here, to cruize upon their Coast; I sent for Capt. Davis and asked him how soon he cou'd be ready to Sail, he told me in two Days, and the second Day he did Sail; and seventy leagues off the Capes of Virginia he Re-took a Virginia Ship, which had been taken four days before, by a smal Privateer of four guns, and Seventy men, he brought the retaken Ship into Sandy Hook, sent her up hither, and is gone to sea again, in hopes to meet with the Privateer. This is all I can acquaint Your Lord[ps] with at present. I have not had the honour of a line from Your Lord[ps] these many Months. I am with great respect,

My Lords,
Your Lord[ps]
most faithful hum[b] Serv[t]
CORNBURY.

New York
July 20[th] 1707

Representation to the Queen in regard to several Acts of New-York.

[New-York Entries, G, 83.]

To the QUEEN'S MOST EXCEL[t] MAJ[ty]

May it please your Majesty.

Having under our consideration such laws passed in New York as have not yet been confirmed or repealed, We beg leave for the present to lay before your Majesty two of the said Acts, which in Our opinion ought in the first place to Receive Your Royal Pleasure, Viz[t]

An Act for Vacating, breaking and annulling several Extravagant Grants of Land made by Col[l] Benjamin Fletcher, late Governor of this Province, under His Majesty; past at an Assembly held there the 2[d] of March 169$\frac{8}{9}$.

and another Act intituled

> An Act for the Repealing several Acts of Assembly, and Declaring other Ordinances publish'd as Acts of Assembly to be Void: Past at an Assembly held there the 27th November, 1702.

Upon which we humbly Represent to your Majesty, that upon the Earl of Bellomont's arrival in that Province, he met with great difficulties by reason of several undue practices introduced there by the said preceding Governor, and particularly in relation to Extravagant Grants of land, whereof the Earl of Bellomont was informed by a Memorial from the then Attorney General of New York, a Copy of which Memorial is hereunto annexed: But in Order to the setting this matter in a full light, We humbly take leave to refer to the Annexed Extract of a Representation made by the then Commissrs for Trade & Plantations to the Lords Justices, the 19th of October 1698, and the Papers relating thereto.

Upon which and for the reasons therein mentioned the said Lords Justices did on the 10th November 1698 write to the Earl of Bellomont to the Effect following.

"Whereas many exorbitant grants of vast tracts of land have been made of late Years (and "particularly in some of the Mohacq's Country) without any Reservation of competent Quit "Rents to His Majesty, or any Obligation upon the respective Grantees, to cultivate and "improve the same, as Reason requires; By means whereof the Frontiers of that Province "are in danger of being weak'ned by Desertion of the Mohacqs and other neighbouring "Indians; and the improvement and peopling of the whole province must of necessity be in "great measure obstructed; together with many Inconveniencies evidently attending the "same; We do therefore hereby direct and require you to put in practice all methods "whatsoever allowed by law, for the breaking and annulling of the said exorbitant, irregular "and unconditioned Grants, And in case of any difficulty therein, that you represent unto his "Majesty, by one of His Principal Secretaries of State, and to His Majesty's forementioned "Commissrs for Trade & Plantations, whatever you judge may be further conducive to the "Effecting of so necessary a Work; And further for the prevention of all such like "Inconveniencies hereafter, We also hereby direct and Order, That for the future You pass no "Grants of Land within His Majesty's said Province of New York unto any Person "whatsoever, under a less Reservation of Quit Rent than two Shillings and sixpence for "every hundred Acres, nor without an Obligation upon the Grantees to Plant, settle and "effectually cultivate the same, within the space of three years at the furthest under the "Penalty of the Forfeiture."

Upon the Receipt of those Orders the Earl of Bellomont called an Assembly which met the 2d of March 169$\frac{8}{9}$ and passed the first mentioned Act for Vacating several of Coll Fletchers Exorbitant Grants. viz^{t}

> A Grant to Godfrey Dellius and others for a Tract of Land, lying on the Mohacqs River, containing about 50 Miles in length and four Miles in breadth.
>
> A Grant to the said Godfrey Dellius for a Tract of Land lying on the East side of Hudson's River, containing twelve Miles in breadth, and about seventy Miles in length.
>
> A Grant to Coll Bayard for a Tract of Land lying upon a Creek which runs into the Mohacqs River, containing twenty four or thirty Miles in length; Which land is also claimed by the Mohacqs.

A Grant to Captain Evans for a Tract of Land lying on the West side of Hudsons River containing twenty miles in breadth and forty Miles in length.

A Grant to the said Captain Evans of another tract of land Adjacent to the King's farm, on the Island Manhatan, the Contents not known, but described by bounds

A Grant of the fore mentioned Farm to the Church Wardens & Vestry Men of Trinity Church by Lease, for the term of Seven Years from 19th August 1697, The Rent 50 Bushel of Wheat pr Annum.

A Grant to Coll Caleb Heathcote of a lott of ground, part of the King's Garden containing in breadth about 27 foot, and in length fifty foot, granted to him, his heirs & assigns for ever under the Yearly rent of one shilling.

A Grant to the said Caleb Heathcote of another part of the said Garden by lease for the term of forty one years from the 19th August 1697, at the yearly rent of four Shillings, the contents whereof are uncertain, as it is described by being bounden by the Fence of the said garden, so far as the said garden in the rear does extend, and from thence into Hudson's River as far as Low Water Mark.

Besides the Eeight foregoing Grants so Vacated as aforesaid, there do still remain in force several other exorbitant grants with the particulars whereof we shal forbear to trouble Your Majesty, til such time as it shal be judged proper by Your Majesty to have the like method taken for Vacating and annulling the said remaining grants by an Act to be passed in that Province, which however, from the reasons given by the Earl of Bellomont, We do apprehend may prove a work of great difficulty.

We therefore humbly Represent to Your Majesty that the aforesaid Act for vacating Col. Fletcher's Grants having been transmitted hither, Objections were made against the confirming the said Act, which objections are in substance as follows

"That such Proceedings wou'd render the Properties of all lands uncertain and precarious."

"That the Lords Justices's Instructions being to break the Grants by legal means, the word "legal must relate to the law in being."

"That therefore these Instructions can only mean to Vacate the Grants by a Proceeding in "the Ordinary course of Justice."

"That the lands of Dellius and Bayard were by the Grantees purchased of the Indians, and "afterwards Grants were taken of them from the Crown under final Quit Rents by way of "acknowledgment to fix the tenure and Soveraignty of them in the Crown so that as to these "Lands the Revenues are not Diminished by the said Grants but the territories and Dominions "of the Crown are enlarged."

"That if leases and Conveyances were made of any of the land thus granted, the "particular persons therein concerned would suffer unjustly. Nobody would lend Mony "upon Mortgage of any of these lands, or make Improvements under these Grants, or accept "of any leases or Conveyances upon them, nor accept them upon Settlements in Marriage &a

"That supposing the Grants are Extravagant they ought not therefore to be annulled, but "rather retrenched, and brought to reasonable limits.

"That if the Power of Revoking Grants be left to a Govr Council and Assembly, the Govr

" may have the choice of so many of the Council, and have such an influence in having his " own Creatures returned to be of the Assembly, that he may at any time Act arbitrarily & " unjustly in such Revocations. That in this Case no redress being to be had, otherwise than " by complaining to the Crown of such undue Elections, and the matter being to be proved " by witnesses to be produced here it will be so chargeable that few or none will venture upon " a thing of that nature, so that Justice will hardly be obtained.

" That His late Majesty having solemnly declared under His great Seal, that Grants made " by his Gov^rs^ with the Advice of the Council, shou'd be good and effectual against His " Majesty, his Heirs and Successors &^a^ It wou'd lessen the Royal Credit."

To all which M^r^ Champante then Agent for New York, did reply as follows;

" That the Assembly being according to the Constitution of the Province, their passing the " Act which repeals the Grants, is pursuant to the Lords Justices Instructions, which intended " a Proceeding by the Legislative Power, by the Words made use of, viz^t^ BREAKING, ANNULLING.

" That Dellius' and Bayard's Grants were surreptitiously Obtain'd, the Proprietors being " then out again the French, and not above six or Eight being privy to the Transaction; " Besides that these few were made Drunk, and a Vast tract of land obtained for a very little " purchase, upon my Lord Bellomont's Entring on that Govern^mt^ and his Lord^p's^ citation of the " Persons therein concerned, two of the Patentees of the Mohacq's land, surrendered their " part of the said Grant, declaring that their meaning was, that the land should solely & " wholly be kept by them in Trust for the benefit of the Mohacq Indians.

" That the Indians themselves did by a public Address to the then Commander in Chief & " Council there, thank his late Majesty for restoring to them their Land.

" That if Dellius' Grant be not revoked the neighbouring Indians will be constrained to " Desert and fly to the French.

" That in cases of this Nature particular claims may afterwards be provided for.

" That the Demesnes of the Royal Forts at New York, viz^t^ the lease made to the Church of " the King's Farm, which used to supply the Governors with Corn; the meadow passed away " to Captain Evans, and part of the Kings garden to Colonel Heathcote are extravagant tho' " not in extent yet in their nature.

" That there is not a Christian Inhabitant on either of M^r^ Dellius grants, neither that " whereof he was sole grantee, nor on the other wherein Schuyler and others were Partners " with him, viz^t^ The Mohack's Land, and the other Grants are liable to as great or greater " exceptions."

A strong Argument urged for Vacating these grants is, that great Quantities of Masts and other Timber fit for Naval Stores, grow upon the lands thus granted away, which cannot be Regained to the Benefit of the Crown, till the Grants are vacated.

S^r^ John Hawles then Solicitor General having been consulted upon this Act, We humbly take leave to annex hereunto a copy of his Report, together with the Exceptions taken thereunto by the said Agent of that Province.

Thus the matter stood 'till the Lord Cornbury's arrival in that Province, when an Assembly was called, and the foresaid Act was passed *for Repealing several Acts of Assembly, and Declaring other Ordinances Published as Acts of Assembly to be Void.*

Upon which we take leave to observe that this last mentioned Act Repeals three Acts therein particularly named, which said Acts were passed by the Earl of Bellomont, viz^t^

An Act for Regulating Elections for Representatives in general Assembly in each respective City and County within this Province. Which Act was confirmed by His late Majesty the 5th of September 1700, and appears to us to be a good law, and ought not to have been repealed by the Assembly there without your Majesty's leave first had.

An Act to prevent vexatious suits, and settling and quieting the minds of His Majesty's Subjects within this Province.

And the forementioned *Act for Vacating and Annulling several Extravagant Grants made by by Col[l] Fletcher, late Governor in this Province, under His Majesty.*

And by general Words the said Act repeals all Acts past at an Assembly held there, from the 19th of Aug[t] 1701 to the 18th of October following; and in due time We shal lay before Your Majesty, such of them as we conceive may be fit and proper for Your Majesty's Royal Confirmation.

The reasons given for the repealing the foresaid Acts are set forth in the Preamble of the said Act of Repeal as follows, viz[t]

" That several Acts and laws have lately been past in this Colony, with plausible and " colourable titles and pretences, some of them incongruous and unjust in themselves, others " to obtain private and sinister ends under the Cloak of Public Good, many pretended Acts, as " laws, by persons unqualified by right or law to sit or act in the Legislative power, and by " several as were not the choice of the People, And all of them instead of being for the profit " and Advantage of the Subject as they Ought to be, have been and proved to the Destruction " of Property, the confining and enervating of liberty, ruinous to trade, to the impoverishing " of the people, a Discouragement to Industry, and hurtfull to the Settlement and prosperity of " the Colony."

Upon which we beg leave to Observe that the Lord Cornbury has not given us any particular instances or proofs to make good the foresaid general allegations, several of which seem to be of an extraordinary nature, particularly those relating to undue Elections, and Disability of several members who constituted the Assembly is therein mentioned. But on the Contrary such of the so repealed Acts as have hitherto been under our own Consideration, appearing to us to be for Your Majesty's service and the good of that province, We are humbly of Opinion that Your Majesty be pleased to Signify Your disapprobation of the Aforesaid *Act* passed in Novemb[r] 1702 *for Repealing Several Acts of Assembly and declaring other Ordinances published as Acts of Assembly to be void.*

As to the *Act* passed by the Earl of Bellomont *for Vacating breaking and annulling several Extravagant grants of Land made by Colonel Benjamin Fletcher, late Gov[r] of that Province.*

We are humbly of opinion that such Exorbitant grants as are therein mentioned are highly prejudicial to that Province, Wherein We are confirmed by Lett[rs] from the Lord Cornbury, complaining of the said Grants; and Declaring that for some time he refused to pass the Abovementioned Act of Repeal, whereby the foresaid vacating Act is among others Repealed, 'till he was induced thereunto by the Assembly's having at the same time passed the Mony Bill, in that Lett[r] mention'd. And we do therefore concur with the late Cômiss[rs] of Trade and Plantations, in their annexed Representation, That it is absolutely necessary the said grants be vacated; But that an Allowance be nevertheless made by way of Regrant to every such grantee of a suitable number of Acres, not exceeding two thousand, to any one person under a

yearly Quit Rent of two shillings and sixpence for every hundred acres, with a covenant to plant settle and effectually cultivate at least three Acres of Land for every fifty acres so taken up, within three years at the furthest, upon forfeiture of every such grant. If Your Majesty shal think fit to Approve thereof then We further propose, for the more convenient and equal setting out such Lands, That the Governor Lieut. Gov^{r} collector Secretary and Surveyor Gen^{l} of that Province for the time being (the Surveyor General always to be one) or any three or more of them to be empowered to set out the lands so to be Regranted, they having regard to the profitable and unprofitable Acres, so that each grantee may have a proportionate number of one sort and t'other, as was done upon the Planting and Settling Your Majesty's Kingdom of Ireland.

And that the production of Naval Stores in these Parts may not receive any impediment by such grants, We further humbly Offer, that in all new patents the grantees be Restrained, under the Penalty of forfeiting their Patent, from burning the Woods to clear the land: And that there be a particular reservation of all Trees of the Diameter of twenty four Inches and upwards, at twelve inches from the ground, for Masts for Your Majesty's Royal Navy, as also of such other Trees as may be fit to make Plank, knees, &^{a} for the use of Your Majesty's Said Navy.

And in order thereunto We humbly offer that Your Majesty be pleased to approve and confirm the said Act for vacating Col^{l} Fletcher's Extravagant Grants.

All which is nevertheless most humbly submitted

DARTMOUTH
HERBERT
PH: MEADOWS
J^{n} PULTNEY.

Whitehal
July the 29th 1707.

The Lords of Trade to the Earl of Sunderland.

[New-York Entries, G. 99.]

To the Right Honourable the Earl of Sunderland.

My Lord.

Having prepared a Report to be laid before Her Majesty in Council, upon the complaint of M^{r} Budge against the Lord Cornbury, for having seized and condemned his Ship at New York; We transmit the same to Your Lordship, and are, My Lord,

Your Lord$^{p's}$
most humble Servants
STAMFORD
HERBERT
PH. MEADOWS
J^{n} PULTENEY.

Whitehal
October the 23^{d} 1707.

To the Queen's Most Excell^{t} Majesty.

May it please Your Majesty.

In Obedience to Your Majesty's Commands signified to us by the Right Honourable the Earl of Sunderland, We have considered the Petition of Richard Budge complaining of great hardships laid upon him by the L^{d} Cornbury your Majesty's Gov^{r} of New York, and thereupon humbly take leave to lay before your Majesty the State of the Fact as it appeareth to us, as follows

That the said Budge in the year 1702, being commander and part owner of the Ship Hope, came from the Bay of Campeachy with the said Ship loaden with Logwood, and in his Voyage towards Holland, whither he was bound, was obliged to put into Your Majesty's Province of New Jersey for wood, water and provisions.

That the Lord Cornbury hearing thereof, seized the said Ship, and upon pretence of Illegal Trade caused her to be tryed, condemned and sold, together with her Cargo.

That the petitioner Budge thereupon appealed to Your Majesty's High Court of Admiralty here, Where upon Examination of the Proceedings had by the Lord Cornbury, and a full hearing of the whole matter, the said proceedings and sentence against the said Ship were reversed, as Illegal and Arbitrary, and a Decree for Restitution accordingly made by the said Court of Admiralty.

That the Petitioner not knowing how to get satisfaction did humbly apply to Your Majesty by petition for Redress, which petition Your Majesty was pleased to refer to D^{r} Bramston and S^{r} John Cook, who reported the illegality of the Proceedings against the said Ship and Cargo, and that the Lord Cornbury or his Officers ought to make full restitution of the said Ship and loading, or the value thereof, which according to an Affidavit made, amounted with charges to £4200, 5^{s}; Whereupon Your Majesty was pleased to order the R^{t} Hon^{ble} S^{r} Charles Hedges, then one of Your Maj$^{ty's}$ Secretaries of State, to write to the Lord Cornbury, requiring him to make the Petitioner Satisfaction for the said Ship and Cargo.

That the Petit^{r} thereupon returned to New York and Deliver^{d} the said Letter to his Lord^{p} and petitioned his Lord^{p} for satisfaction according to the tenour of the s^{d} lett^{r}; But that after nine months Expence of Time there, he cou'd obtain nothing, his Lord^{p} only telling him, that he must apply to Your Majesty for one third part, and to the Informer for another, which Informer was onely nominal, having no share in the prosecution, nor any part of what the Said Ship and Cargo were sold for, as he himself informed the Petitioner.

That the Petit^{r} was hereupon Obliged to be at further Expence of time and money in returning to England, in order to lay the hardship of his case before Your Majesty, for Your Majesty's favourable and effectual directions in his behalf.

That, as a further Explanation, the said Cargo of Logwood which was solely owned by the Petitioner and which cou'd not be Subject to Damage by lying, was, together with the said Ship, immediately sold, and at an under value, without waiting for the issue of the said Appeal, which ought to have been done.

That the loss including the charges of Prosecution and the Petit$^{r's}$ Expences in his Voyages to and from New York, amounts in the whole to £4775.

That the Petit^{r} is by such oppressive and unjust Proceedings deprived at once of his whole Subsistence, which he had acquired by the Industry of the best part of his life; And that having a Wife and five Children, they are and have been for near five Years reduced to the utmost want & necessity.

Upon consideration of this whole matter We take leave to represent to Your Majesty, that we communicated the above said petition to the Lord Cornbury's Agent here, for his Observations thereupon in case he had any thing to offer in his Lord$^{p's}$ behalf; But he having signifyed to us that he had no knowledge of that matter, nor received from the Lord Cornbury any account thereof; And his Lord^{p} hot having taken notice to this Board of anything relating thereto, We are humbly of Opinion that the Lord Cornbury has acted illegally, to the great Oppression of the petitioner; and that in so doing he has justly deserved Your Majesty's censure, and ought to make Reparation for the wrong done, in order whereunto We humbly Offer that the Judgment upon the Appeal against his Lord^{p} be put in Execution according to the Ordinary Course of Law.

All which is most humbly submitt^{d}

STAMFORD
HERBERT
P. MEADOWS
J^{n} PULTENEY.

Whitehal
October 23^{d} 1707

Mr. Thomas Byerly to the Lords of Trade.

[New-York Entries, G. 305.]

To the Right honourable the Lords Commiss^{rs} for Trade & Plantations.

My Lords.

I humbly crave leave to lay before Your Lord^{ps} an account of several difficulties & hinderances I meet with in the Discharge of the Duty of my Office, as Collector and Receiver General of this Province, by Her Majesty's letters Patents.

My Lords, I have heretofore been suspended from my Office, by his Excellency the Governor here, and Restored by Directions from the Right Hon^{ble} The Lord High Treasurer, Yet not so Effectually as her Ma$^{ty's}$ Service requires. The books and Papers relating to my Office and Recognizances given for payment of moneys due to Her Majesty's Revenue, being Detained from me by M^{r} Fauconier, who acted as Commiss^{r} during my suspension. And notwithstanding I have been arrived here almost twelve months, he has not been obliged to adjust his Accounts; without which I ca'nt perfect mine; for the Ballance of his Account must be the first Article in mine; This, My Lords, I have humbly Represented to his Excellency here (as you may see by the Inclosed) but without Success; That gentleman being Naval Officer and Chief Manager of Affairs here, which are by him and others, the Chief in the Government carry'd on contrary to Her Majesty's Interest; and whatever is Acted to that End, if contrary to theirs, is spurned at and discouraged; That in doing my Duty I have been threatened to be murdered; to be pulled out of the Custom house, and to have that pull'd down, and this (tho' complained of) is gone unpunish'd.

My Lords I humbly crave leave further to acquaint Your Lord^{ps} that I have given two thousand five hundred pounds Security to Her Majesty for the due discharge of my Office, and that is well known to his Excellency, Yet his Excellency has lately issued his Warrant under his own hand & Seal, and caused me to be taken by the Sherrif here, and to give two

thousand pounds Security to appear before his Excellency and Council, under pretence I had Imbezled the Queen's Mony, and caused the Books belonging to my Office to be taken Away, which are since restored to me, and at my appearance before his Excellency and Council was told by his Excellency that he heard I was running Away.

These, My Lords, are some of the many Indignities and hardships put upon me in acting for Her Majesty's Service, which I shall always endeavour to Promote; Yet without Your Lord^{ps} Protection & Assistance it will be extream difficult. I shall not presume to Offer to Your Lord^{ps} the means to redress those grievances, that being Submitted to Your Lord^{ps} But must humbly begg of Your Lord^{p} that if any Complaint be made to Your Lordships by his Excellency the Lord Cornbury against me, that Your Lordships will allow me a due time to justify myself, and that I Act for Her Majesty's interest, That I am in all duty, My Lords,

Your Lord^{ps} most obedient humble Servant

T. Byerley.

New York
Decemb^{r} 13th 1707

Observations of the Bishop of London regarding a Suffragan for America.

[Lambeth Manuscripts, No. 711, p. 18.]

The present disorders now arising in some of y^{e} Plantations, and likely to increase to an entire discouragement of the Clergy there already Established, doe, I presume, fully convince the necessity of having a Bishop Established in those parts.

The only question therefore is, what sort of Bishop will be most proper first to settle there. An absolute Bishop, as that of the Isle of Man, will not be so proper, at least to begin with, for these reasons.

1. It will give a great alarm to the several colonies, as it did in K. Charles y^{e} 2^{ds} time, when there came over Petitions and addresses with all violence imaginable.

2. Because the grounds of that great opposition are generally still y^{e} same.

3. For the true reason of their averseness to a Bishop, is the great apprehension they have of being restrained from that Licentiousness they now too often put in practice.

4. As in Virginia they seldom present a Minister to the Governor to be inducted, but keep him as a probationer all the while he stays with them, that they may make what Composition they please with him for his allowance, and it may be give him leave to make up the rest by taking care of a Neighbouring Parish.

5. Besides, all over the Plantations they frequently take other men's wives, are guilty of Bigamy and Incest, which they are apprehensive would be more strictly enquired into, had they a Bishop to inspect over them.

Now a Suffragan would come among them with all necessary power to restrain vice and keep good order, without any noise or clamour.

1. They having been already used to a Commissary, a Bishop will come in upon them more insensibly, if he comes over by the same Authority, and under y^{e} same Jurisdiction as the other did.

2. Confirmation, Consecration of Churches and conferring Holy Orders are powers they desire to have among them; and when they come in only by the change of a Title, it will be cheerfully received as a thing of their own seeking.

3. It will be the safest way to take at first for a proof how it will take amongst them, and all faults and defects may more Easily be corrected and amended: because it will not be neer so troublesome to question or remove a Suffragan Bishop as another; nor will his being put out of office be neer so inconvenient.

4. Besides, the beginning of any new Establishment ought to be carried on gradually, which will make all steps Easier and in case of disappointment the matter will not be so grievous.

This is what occurs to me at present of such observations as I apprehend proper to be layed down.

[Dec. 1707.]

Colonel Quary to the Lords of Trade.

[Plantation General Entries, XXXVII. (D.) 200.]

To the Right Hon^ble^ the Lords Commissioners for Trade & Plantations.

R^t^ Hon^ble^

I have omitted no oppertunity of writing my last was of the 28 of June, a copy of which is inclosed to which I referr, since which I have in the discharge of my duty, visitted all the Provinces on the main of North America, after I had taken my departure from New York Government; the next place I came to was the Province of Coñecticut, the seat of Government is called New London, tho' not much like Old London, I attended the Governor Collonel Winthrope who received me very kindly, and desired me not to look too narrowly into the mistakes of that Government; I quickly found that there was good reason for the caution, for when I went to examine the Custome house I found nothing but confusion & roguery, I was apprized of many dishonest practices acted in that place before I went, but did not expect to find matters so very bad, the person that acts as Collector was one M^r^ Withred a Pillar of their Church but a great rogue which I am sure your Lordships will beleive when I tell you, that there is no villany that a man in his Post could doe, but was constantly practiced by him, severall vessells that made a Trade of running Tobacco from the Out Parts of Virginia without entry or clearing, came directly to this Government, and landed their Tobacco but what was far worse, he gave false Certificates for the shipping off this Tobacco to other of the Plantations, in which he certifyed; that the Tobacco illegally imported, was legally imported and that the Queen's duty was payd, I have found severall of these false certificates, filed in the Custome house of Boston, where considerable quantities of this Tobacco hath been sent, as well to other of the Plantations, it would tire your Lordships, should I give you the history of the illegall Trade carryed on and encouraged in this Government from Curacoa, Surinam and other places. Before I leave this Government, give me leave to acquaint your Lordships that this [is] a very populous Country, able to raise ten thousand effective men, and yet would never assist their neighbours in defending the Frontiers from the publick enemy nor secure their own from the

insults of the enemy who hath destroyed whole towns and carryed a way the inhabitants for want of a regulated Government, and Militia, there is in this Gover[t] five or six Ports of Trade some of them considerable, the people are of a very turbul[t] factious uneasy temper, I cannot give their character better then by telling your Lordships that they have made a body of laws for their Government, which are printed, the first of which is, that no law of England shall be inforce in their Government till made so by an Act of their own and when I have told your Lordships this I think there is no further room to admire at any extravagancy acted in that Government; I have turned out all the Collectors in this Government and put others in their places which I hope will make some alteration, though I must own that I have no hopes of preventing illegall Trade in that Govern[t] whilst it is in the hands of those people, after I had spent some time in this country I view'd all the sea Ports & settled the officers of the Customs as well as I could. I went hence to Rhode Island, which is a distinct Government, not so populous as Connecticut, but have been more ready in assisting their neighbours against the publick enemy it is scituated betwixt Connecticut Province and that of New England, the scituation of this place is very happy for Trade, having a very good harbour, with an easy & quick inlet from the sea, their chief Trade is to the West Indies but more especially they have a great Trade to Curacoa and Surinam, the Cheif town of Trade is Newport, which is grown in few years to be a great Town, mainly by illegal Trade to those places, nor is it possible to prevent it while the Government is in the Proprietors hands.

From this place I went to Boston where I spent some time, and am obliged to make some remarks to your Lordships on the Trade and circumstances of that place, and Government; Boston hath been a place of great Trade, but the war hath extreamly impoverished them so that the Trade is not now one third of what it was the main of their Trade consists in their fishery lumber and building of shipping, the fish they carry to Lisborne, Spain and to severall Ports in the Streights, and this gives them an opportunity of carrying on an illegal Trade, by bringing the produce of those Countrys contrary to law nor doe they want conveniency enough to run these goods before they come into the harbour of Boston as at Marble head, Martins Vineyard and other places and nothing can prevent it, but a small Sloop, the Lumb[r] they carry in their ships they build to Barbadoes and other Islands from whence they get freight to England, but this part of their Trade is very much lessen'd by the great number of their ships taken by the enemy but what is farr worse than all this, unless her Majesty be Graciously pleased to apply a very speedy and effectual remedy, and that against their own wills, they and that Country will be utterly ruined by the French who are now settled and fixed at Port Royall just under their noses, which will quite destroy their fishery, nor will their ships be able to go in or out of their harbour, without being taken, unless they are at more charge in maintaining ships of force then all their Trade is worth, and all this Misery they have brought on themselves, by the cowardice and ill conduct (to say no worse) of their late expeditions. Were this matter searched to the bottome it would discover a black story not fit for me to mention, I am sure your Lordships will be strangely surprized at my telling your honours, that notwithstanding all the misery that hath happened and still threatens New England, from the settlement of the French at Port Royall, yet there hath been and still is (as I am informed) a Trade carryed on with that place by some of the topping men of that Government, under colour of sending and receiving Flaggs of truce, the history of this affair is too long and perhaps not so proper or safe for me, but it being of so great a consequence to her Majestys service, I thought it my duty to give your Lordships this hint.

M^r^ Brenton the late Collector of New England designs for England by this fleet, and will attend your Lordships, he is able to sett this matter in a true light, having ample vouchers for every thing and therefore shall referr your Lordships to him.

The Government of New England, hath not only intailed this misery on themselves, but on all the Continent of America, for the French haveing so effectually settled themselves at Port Royall all their Privateers will settle their and run the Trade of all her Majesty's Governments on the main, having a safe Port to goe to & so near, whereas they were forced to come from Marteneco or Canada to infest our Coasts but now it will be done with ease.

I have often represented to your hon^rs^ the unhappy circumstances of her Majesty's Provinces on North America, who are ruined in their Trade harrass'd and destroyed by a handfull of people, for the French are not more then three thousand effective men in all the parts of Canada, and Port Royall, whereas the Queen hath more then Eighty thousand men in her severall Provinces, which are able to eat up the French, and yet this handfull of men w^th^ their conduct will in time if not prevented ruin us all, I have represented the true state of this affair to your Lordships very fully in severall memorialls, to which I cannot add but am sure if some effectual means be not used this Warr, to remove the French, it will be too late afterwards.

I will not presume further on your Lordsh^ps^ time by inlargeing on this subject but with your honors leave return to the Governments of New Yorke, and New Jersey, neither of which places have taken the proper methods of raising a fund for the support and defence of the Country the Assembly of New York, hath hitherto had some regard to the safety of their Frontiers and support of Government, but not so effectuall as to answer the end, p^r^haps they may better consider the state of affairs at their next meeting but as for the Assembly of New Jersey, I much fear they will not do anything either for the Queens service or the Country, in respect to its defence or support, especially so long as they are influenced by three or four men amongst them, they sate at Amboy in October last, but would do nothing, but past a vote that they would raise no money till their grievances were redrest and then but for one year, what their grievances are will appear to your Lordships by the inclosed remonstrance of theirs, to which his Excellency hath given an answer; Your Lordships will find that the Queens Instructions are part of their Grievances, I am very sure that it is impossible, to satisfy or please the turbulent uneasy spirits of two or three men in that Assembly, who would sacrifice the happiness and quiet of the whole country to their private resentments, revenge, and malice, I assure your Lordships y^t^ I have no difference or the least prejudice to any of these but what I say is the opinion of almost all that know these men nay there are many that will give this Character of these men, who at the same time will warmly justify their proceedings in Assembly, by reason that they think they reap the benefit of it in not paying any money towards the support of Government or being under any regulation of a Militia, these are powerfull motives for their choosing such men into the Assembly; As for M^r^ Samuel Jennings and the rest of the Quakers, they are driving at the same game acted in Pennsylvania by their Friends there, who are resolved to allow no prerogative of the Crown nor any pow^r^ in a Governour but will have all power lodg'd in themselves, as I have represented to your hon^rs^ in my former, and therefore since their principales and practices are such, I think they are inconsistent with Government, and ought not to be intrusted with it, I doe most humbly presume to mind your Lordships that this growing evill and mischief requires a speedy remedy else I fear will spread over the whole Continent so that in time if not prevented the

Assemblys of America will find work enough for your hon^ble^ Board to reduce them to reason or keep them within the bounds of it, to dispute the Queens prerogative in her instructions of Government to refuse the raising such a revenue as may support her Government, to neglect the settling a Militia for the defence of the Queens Provinces, to libell, slight and affront her Governours, are such steps as ought to be taken notice of in time, for fear they should goe further, the due consideration of all which is most humbly submitted to your Lordships wisdome and Judgement by

R^t^ Hon^ble^
Your Lordships most
faithfull & obed^t^ Serv^t^
ROBERT QUARY

Philadelphia
Jan: the 10. 170$\frac{7}{8}$

Lewis Morris, Esq., to the Secretary of State.

[New-York Papers, VI. 13.]

Right Hon^ble^

I was entrusted by the Assembly of New Jersie to transmit you a letter from the Speaker, a peticôn from that house to the Queene, a remonstrance made to his Excellency my Lord Cornbury, and some affidavits taken before them. All which I sent by severall conveyances and they allso come with this with an adition of what has been done since, which is a reply made by that House to an answer of his Lordship to them.

I did not transmit his Lordship's answer because I had no directions from the Assembly to do it, and because I did supose he would take that care, being what he vallued himselfe very much upon, but I believe consideration has abated that good opinion he had of it when the transports of his passion were recent, and perhaps has been a meanes of hindring its coming to your hands, or of making those alterations without which he could not but know he would before so competent a judge, very much arraigne himselfe in his assertions about the powers of the House of Commons or (pardon the expression when 'tis used comparatively) of the Generall Assembly of New Jersie. I therefore send it as he caused it to be printed at New Yorke, and would advise that the severall Assemblyes of the Plantations be directed from time to time to send coppies of their Journalls to one of her Majesties Principall Secretaries of State, directly from themselves, and if some such method were taken with the severall Councills, I am very much deceiv'd if the acco^tts^ you receive were not much more to be depended on y^n^ now they are.

How just my Lord has been in his representations of men and things he best can tell, but if from what has been seen of them here an estimate may be made of what has not; truth, or indeed a good judgment, is what is least to be expected in them, and a character whose veracity is not to be depended on, is not the fittest to command Provinces. Such persons ought be strangers to mean complyances, but when they prostitute their reputation and fall victims to an avaritious temper, stooping to sordid measures for gaine, become the merchandize of factions and price of the highest bidder, what are the ills not to be expected under such an administration, or rather what is the good to be hop't either to her Majestie or her subjects.

But to leave this, w^ch^ however true looks too much like resentment; to give some light to the papers before you, I shall give Your Hono^r^ y^e^ state of that province when my Lord arriv'd and what 'tis now.

When he arrived there he found it divided into two parties, the one called Hamiltons and the othe other Basses partie; not to trouble your Hono^r^ from whence they rose, Hamiltons partie, in that now called the Easterne division of New Jersie, formerly East New Jersey, consisted of the gentlemen of the best figure and fortune and majority of the people. Basse being formerly an Anabaptist Minister, those of that religion, some Quakers, and a miselanious mob, where of his partie. In the Westerne division y^e^ Quakers and by very much the greater part of the people, where of that called Hamiltons partie. When my Lord's commission was publisht, it was the endeavours of both these parties to be uppermost, that of Basses haveing, dureing the unsetled state of that Province, been guilty of severall irregular actions, endeavoured his Lordships countenance in order to procure an Act of Indempnity in their favour, and many of the other partie where not for obliging them in that point. When the time came for the choice of Assemblymen, y^e^ writs (according to her Majesties directions) appointing the Qualification of the Elected to be 1000 acres of land, and of the Electors to be 100. verry much disobliged a great number of persons, and y^e^ mob in generall, because the choice was taken out of their hands, and that made the majority of the Easterne division consist of that called Basse's partie; but notwithstanding by an artifice of the other partie they lost the feild in the election. In the Western division Hamilton's partie carried it to a man; so that the first Assembly consisted of that partie called Hamiltons. There was in that province a third partie, or rather a partie within a partie, who had designs of their owne, abstract from governement, and these were Proprietors. These having uppon the surrender of their government, obteined a certaine form of instructions to be given to y^e^ Governours, which should from time to time be sent into New Jersie, thought them selves secure in the Governours obedience of them, and were incouraged by my Lords promises to think they might safely depend he would not faile in the performance of what was so much his duty and interest to do; but after some time being better acquainted w^th^ his character, and considering that if he should breake them, that such was the vast distance from England the difficulty that attends applications in controverted cases, the possibility (after all) of their being thought in the wrong and of being misrepresented, that should they weet w^th^ success yet it would be so long a time first that the mischiefs they might suffer would be irrepairable, they choose to make more sencible application to my Lord than bare words: and accordingly Doctor Johnstone[1] waited on him w^th^ £200. at twice, as is exprest in his affidavit. That partie of Basse's haveing mist of them being in y^e^ Assembly and haveing made some endeavours to procure an Act of Indempnity which proved ineffectuall, had recourse to other measures, and it haveing got wind that his L^p^ rec^d^ money of Doctor Johnstone, and guessing the sum much bigger then realy 'twas, began to entertaine some hopes, very justly conceiving that he that was not proofe against one sum, would not withstand another, and since he was to be purchas'd resolv'd to bid for him, and being encourag'd by his confident D^r^ Bridges Chiefe Justice of New York, since dead, they raised the severall sums mentioned in the Affidavits, and many more that we

[1] John Johnstone, originally a druggist at the sign of the Unicorn, in Edinburgh, immigrated to New-Jersey, in 1685, and in 1686 married Euphemia, the daughter of George Scot, author of "The Model of the Government of the Province of East New-Jersey, in America. Edinburgh, 1685." He practiced medicine for many years in the Province, where he also filled several important public offices; and died very much lamented by all who knew him, and to the inexpressible loss of the poor, who were always his particular care. *Whitehead's East Jersey*, 236, 237. — Ed.

cannot yet get accounts of, as we judge to y^e^ value of about fifteen hundred pounds. This money was paid to one Richard Salter (who had been presented by a Grand Jury for fellony under the former Administration) and to one Capt. John Bowne; both which persons travail'd through the Province and by untrue insinuations perswaded the raising of this money. They are both protected and honored by my Lord, and what places he can well bestow, given them. Bowne was a Member of the Assembly, and by them expelled for refusing to tell what he did with the money. Salter kept out of the way and could not be got; but while he kept out of the Serjeant's way, my Lord admitted him to his company, and sent for a boat and had him shipt over into Pensilvania government. By all which your Honour may perceive what it is y^t^ hinders it from being fixt on my Lord, and that it cannot be well knowne how these persons dispos'd of that money, except Her Majestie thinke fit to order them to be sent to England and examined there, or till an honester man be sent in my Lords roome. I can be proved (without Bowne and t'other) that t'was given to D^r^ Bridges in my Lord's house, and there is all the reason in y^e^ world to believe his Lordship had it.

But the effect it has had, and the service or rather diservice it has done her Majestie I shall endeavour to show.

My Lord proposed to this first Assembly, to raise a revenue for the suport of her Majesties government. I was then of her Majesties Councill, and I privately askt him what sume he thought would do. He told me fifteen hundred pound a yeare. I had some influence over the most leading men of that Assembly, to whom I proposed it; but all I could say did not prevaile with them to come up to that sum. One thousand a yeare, for three years they would give, (and indeed its a wonder they ever came so farr at once; the greatest tax that had ever been raised being £675, and at that the people were ready to run mad and would never pay it) that not pleasing, they were adjourned till a further time. In the interim this money I have been speaking of, was paid, and the contributors did openly boast of their assurance of haveing that Assembly dissolved. Whether the fears of y^e^ partie that was then uppermost of haveing that Assembly dissolved or what it was that wrought upon them I can't tell, but they thought it adviseable to come up to my Lords proposall of fifteene hundred pounds p^r^ annum for three years. Whether they had past a vote or not, my memory wont serve me, but I think they past a vote for it, and no sooner was my Lord assured of that, but he dissolved them. It was now no longer a doubt he had been promist more, besides other prevailing arguments ready downe, and assurance they could carry the majority of the Assembly; but it was something surpriseing that any man in his right witts should part w^th^ a certaine 1500 a yeare, for an uncertainty and depend upon promises w^ch^ any man that could see an inch before his nose might be morally assured was not in their power to performe.

A new Assembly was chosen, which demonstrated the vanity of their promises and the folly of depending on them; however the best was to be made of a bad market, and the buisiness was to be done per fas aut ne fas, and the way they took was as follows:—The majority of the Assembly consisting of those who were enemies to y^t^ faction, who by bribery had procured their dissolution and it being impossible to obtain the end the contributors had promis'd without getting some of them out of the House, when therefore the Assembly came to be sworne (which is done before the Governour in Councill) Thomas Revell and Dan^ll^ Leeds Esq^rs^ two of her Majesties Councill objected against three of the Members chosen to serve, as being unqualified; upon which my Lord refused to sware them: by this means they got the majority by one. Some little time after, y^e^ same gentlemen present to that faction of

a house the following, which they called a Petition, "We underwritten" &* This fourteen daies they askt they thought to be time enough to accomplish their designs, but that not doeing, the hearing of them was defered from one time to another till they had done what they intended. At last the matter came to a hearing, but neither Revell nor Leeds ever as much as appeared to justifie their allegations, y^e^ end being answered for which they did it. Well the Assembly even that faction of y^m^ when they had examined the matter were sattisfied they were qualified and sent two of their Members to desire my Lord to sware y^m^; w^ch^ he refused to do, pretending he was the judge of their qualifications, and that upon his determination they were to be admitted or refused; and so he kept them out about eleaven months. Perhaps of y^e^ kind there has hardly been a greater complication of villany. Among other Acts they past then, there was one to raise a Revenue of 2000 pounds a yeare for two yeares, & in that he consented to lay taxes upon uncultivated lands; w^ch^ was directly contrary to his instructions, another Act for laying out High waies, and another to settle the militia, all w^ch^ had the following effects:—In the Militia Act the Quakers that could not for conscience forsooth beare armes was to pay a certaine sum yearly and forfeitures were laid upon other defaulters; but there was no provision made to returne y^e^ superplusse of y^e^ distresses, if any such thing should be. My Lord had made a set of Officers sutable to his turne, to say no more of them: these were punctuall in makeing distresses, and generally above ten times the value, w^ch^ when they came to expose to sale, no body would buy so that there is or lately was a house at Burlington, filled w^th^ demonstrations of y^e^ obstinacy of y^e^ Quakers; there was boots hats shooes, cloaths, dishes, plowes, knives, earthenware, with many other things, and these distresses amounts, as is said, to above 1000 a yeare, almost enough to defray the charges of y^e^ government without any other way.

The layers out of the High way were appointed by the Act, and such as were y^e^ most inveterate party men, and such as were resolved to be no more wanting in their part of mischief then y^e^ Militia Officers were in theirs, and as fit for the turne of such a faction of an Assembly, as the other were for such a Governour. They pull'd down their enemies inclosures, laid waies through their orchards, gardens & improvem^ts^; there was one gentleman at whom they had an extraordinary pique, and they laid a way over a mill pond, to necessitate him to pull down dam & mills that could not be erected for 1000 pounds, or to pull it down themselves, though the gentleman offered to build a bridge over the streame, at his own charge, $\frac{1}{4}$ of a mile distant w^ch^ would have been $\frac{3}{4}$ nearer and better way. To be short they were truly industrious & fully answer'd the end of their makers, never omitted an ill turn they could do, and alwaies went out of their way to do it.

The Revenue Act, though the money was to serve two years, yet it oblig'd the payment of it in one. It was a vast sum for that province, and the makers who by laying of a tax upon

* We underwritten supposing we had good reason to charge three of the persons returned to serve as Representatives in this Generall Assembly; But upon due consideration upon the premises find it difficult to come to a true determination thereof untill we can by further inquiry find the truth of what we have been inform'd of: We therefore humbly desire fourteen days time further that we may be able more fully to informe this House therein, wch we humbly supose at present cannot be reasonably expected from us. We subscribe our selves your humble Supplicants

THOS REVELL
DANIELL LEEDS.

Your Honr is prayed to excuse this not being in the letter, for my Amanuensis had omitted and the post did not stay long enough for me to new copie that sheet. I am.

Yo honors humble Servant
(signed) LEWIS MORRIS

land thought it would fall easie upon their owne partie, who had but small tracts, found the success did by no means answer the expectation; for though it fell heaviest upon y^e^ men that had great tracts of land, yet they [were] better able to bear it, & their numbers were inconsiderable compared w^th^ y^e^ whole. The poore it undid for, haveing to purchase the opportunity of plagueing their neighbours and of giveing so much money (for that was all they got, except the putting of a parcell of scabs in office) paid all y^e^ money they had or by their creditt could get, and the bonds they had given becomeing now due, and the tax and that to be both paid and they haveing no money and their creditt pawn'd for above the value; it's not to be exprest y^e^ confusion & perplexity they were in. The whole Province was filled with murmurs and complaints; but neither that nor y^e^ hearty curses they liberaly bestow'd upon the vilains that were y^e^ authors of their sufferings, avail'd any thing; they were forced to get money, some by takeing it up at 10. 20. 30, & more p^r^ Cent interest, those whose credit would not go, even on y^e^ most desperate terms, were forc't to sell w^t^ they had was vendible, to raise the money, and very many there was y^t^ sold good milch cowes to raise six shillings. By this means y^t^ tax was paid, and that comeing upon y^e^ neck of the money raised to give his Lordship, and y^e^ extravagant distresses from y^e^ Quakers, has so impoverisht New Jersie that they are not only unwilling to raise a support for a wretch who by the whole conduct of his life (here) has evinc't y^t^ he has no regard to hon^r^ or vertue, but they are also unable to raise such a suport as he saies her Majestie demands, w^ch^ is 1500 pounds p^r^ annum for twentie yeares.

There has no occasion offered but her Majestie has exprest abundance of tendernesse for that people, and they have no other inducement to believe this demand is realy her Majesties, as tis said to be, but that there is a kind consideration of y^e^ inabilities of y^e^ people, who were not able to give 2000, and therefore her Ma^ty^ abates 500 p^r^ annum. Had they not been dreined by their private and publick taxes they had been able to do it, but now they are not; 1000 pound is the utmost they can do; & whoever acquaints the Queen they are capable of doeing more, does not understand that Province and abuses her Majestie. I believe in few years they may be able to raise above 1500, and whatever they are able to do they will be willing under the Administration of any person y^t^ does not invade their liberties, and equally administers y^e^ laws; but they think no consideration obliges them to support oppression.

As to y^e^ raieseing a revenue for a certain time, especially so long a time 'tis what they are utterly averse to, for y^e^ instances of y^e^ misaplication of y^e^ revenue in the neighbouring government of New Yorke are so many and the extravagance of its aplication in New Jersie soe great, that it is in my opinion impracticable to perswade an Assembly in this part of America to trust a Governour after my Lord Cornbury. When I spoke of the extravagant application of y^e^ Revenue of New Jersie, I forgot to add the difficulty of knowing how 'tis applyed; for though her Ma^ty^ directs that y^e^ Assembly examine y^e^ Acc^ts^ of y^e^ disposall of money raised by them, yet y^e^ Governour eludes y^e^ ends of that instruction and protects one Peter Fauconier a French man Receiver Generall in that Province, from giving the Assembly the satisfaction they ought to have. The fact is thus;—the Assembly ordered Fauconier to lay the Acc^ts^ before them; he did, and severall articles there were, w^ch^ they thought very extravagant; they directed him to bring his vouchers; the answer he returns is (if I remember) he is accountable to the Auditor Generall, and w^th^ out my Lord's direction he cannot do it, w^ch^ he has not had nor is not like to get; and there it sticks.

If this, and what's inclosed lets your hon^r^ see y^e^ state of New Jersie, I have my end; I ad that its y^e^ impudent conduct of y^e^ Governours, to call it no worse, that has been y^e^ great

prejudice of her Majesties service in America, the various kinds of injustice and oppression, y^e^ sordid and mercenary measures they have taken, the mean things they have stoopt to, the trash of mankind that has been their favorites and tooles and by them raised to posts of hon^r^ and proffit as rewards for accomplishing y^e^ worst ends, has stunted the growth of these otherwise thriving plantations, and you may easily judge what effects are y^e^ unavoidable consequences of such causes, except mankind can be brought to love such things as by y^e^ principalls of human nature they must necesarly hate.

Tis this has filled y^e^ Charter governments w^th^ people and makes them fond of suporting an administration in w^ch^ they can call their Governour to an account & punish them for male administration w^th^ out y^e^ uncertaine & tedious success of application to courts; and were it not for y^e^ stingeness and narrowness of their principles (pardon this disagreeable truth) the governments under her Majesties more imediate administration had long ere this been thin'd of inhabitants, and when a way is found that Governours may not do acts of injustice with impunity y^e^ Charter governments wont long subsist.

All the apologie I shall make for y^e^ lenth of this is, that I mean it for her Majesties service and hope y^e^ goodness of y^e^ intent will induce a pardon for y^e^ meanesse of y^e^ performance, and did I not feare tyring your Hon^r^ would enter into y^e^ state of y^e^ Province of New York; but I hope some abler hand has done this Province & my Lord Cornbury so much justice as to lay before you an administration no where so exactly parralel'd as in that of Gessius Florus Governour of Judea,[1] and has told you that her Majesties revenue here is nigh expiring and will certainly fall, if some elce ben't sent in my Lord's stead.

We are told Sir Gilbert Heathcote has made some intrest for his brother Côll. Caleb Heathcote: he will be a man to y^e^ generall sattisfaction of y^e^ people, and at this juncture to obteine a resetlement of her Maj^ties^ revenue, no man fitter. I know no man understands y^e^ Province or People better, or is more capable of doeing her Majestie reall service. He is an honest man and the reverse of my Lord Cornbury; of whom I must say something w^ch^ perhaps no boddy will think worth their while to tell, and that is, his dressing publicly in woman's cloaths every day, and putting a stop to all publique business while he is pleaseing himselfe w^th^ y^t^ peculiar but detestable magot.

It is not good manners perhaps to pray from a Secretary of State a line in answer, but I have soe much reason to feare y^e^ intercepting of my letters that I would entreat some notice of y^e^ receipt of this, and that for your owne sake as well as mine, to prevent your being troubled with a second edition w^th^ additions, presuming you like long letters, except where it cant be helpt as litle as does: —

Much Honor^d^ I was here concluding, but the ill performance of my amaunensis makes it necessary to entreat your excuse for it; he had been us'd to write in mercantile affaires w^ch^ I supose has made him use figures so much, and should I transcribe it I should miss this post and possibly the conveyance by the mast fleet. I am with all submission

Right Hon^ble^

New Yorke y^e^ 9^th^ of Feb^y^ 1707. —

Your Hon^rs^ most humble servant
(signed) LEWIS MORRIS.

[1] GESSIUS FLORUS was appointed Governor of Judea by the Emperor Nero. He found the country in a state of tumult and distraction, and his conduct added fuel to the flame. Avarice was his ruling passion. Resolved to aggrandize himself, and accumulate immoderate riches, he practised every species of iniquity. *Murphy's Tacitus*, (Phil. ed. 1844,) p. 512. — ED.

Lord Cornbury to the Board of Trade.

[New-York Entries, G. 317.]

To the Right Hon^ble^ The Lords Commiss^rs^ of Trade and Plantations.

My Lords.

I trouble your Lord^ps^ with these few lines to acquaint you, that in hopes of yet reaching the Mast Fleet, I send herewith a Duplicate of all the Journals of Assembly of New York, since I came into the Province of New York and the Journal of the Assembly of New Jersey for the two last Sessions; In the last there is the Assembly's Reply to my Ans^r^ to their Remonstrance; The Clerk has sent it to me so lately that I have not had time to make the proper Reflections upon it, but I will do it by the next opportunity; however I thought it my Duty to send the Journal to Your Lord^ps^ as soon as I cou'd: I hope you will not give any credit to their Assertions, till I can send you my Observations upon it, which shall be by the first Opportunity; I likewise send Your Lord^ps^ Duplicates of several of my letters, which I have not yet heard whether you have received or not; I have nothing new to acquaint you with, only that a most barbarous murder has been committed upon the Family of one Hallet by an Indian Man Slave, and a Negro Woman, who have murder'd their Master, Mistress and five Children; The Slaves were taken, and I immediately issued a special commission for the Tryal of them, which was done, and the man sentenced to be hanged, and the Wowan burnt, and they have been executed; They Discovered two other Negros their accomplices who have been tryed, condemned & Executed. I am, My Lords,

Your Lord^p's^ most faithful hum. Serv^t^

CORNBURY.

New York.
Feb. 10^th^ 170$\frac{7}{8}$

Earl of Sunderland to the Board of Trade.

[New-York Entries, G. 120.]

To the Right Hon^ble^ the Lords Commiss^rs^ for Trade & Plantations.

My Lords and Gentlemen

Her Majesty having been pleased to Appoint the Lord Lovelace Governor of New York and New Jersey, I desire you will prepare a Commission and Instructions for him as usual. I am

My Lords and Gentlemen
Your most humble Servant

SUNDERLAND.

Whitehal
28^th^ March 1708

Mr. Burchett to Mr. Popple.

[New-York, y z. Y. 77.]

Adm^lty Office 19 Ap^l 1708.

Sir

In answer to your letter of the 15^th Instant relateing to the draught of instructions which the Lords of the Council for Trade and Plantations have prepared for the Lord Lovelace Govern^r of New Yorke, I am commanded by His Royal Highness to acquaint you that he has no objections thereunto I am, Sir

Your most humble Servant

J. BURCHETT.

(Indorsed) " New York
" N. Jersey.
" Letter from M^r Burchet in answer
" to one written him y^e 15^th instant
" ab^t instructions for the L^d Lovelace
" relating to Colours for Privat^rs."

Order in Council to prepare a Commission for Lord Lovelace.

[New-York, y. z. Z. 12.]

At a Court at Kensington the 22^th April 1708.

PRESENT The QUEENS MOST EXCELLENT MAJESTY in Councill.

Upon reading this day at the Board a representation from the Lords Comm^rs of Trade & Plantations dated the 19^th Instant with the drafts of Commissions for the Right Hon^ble John Lord Lovelace to be Captain Generall and Gov^r in Chief of Her Majesty's Provinces of New York & New Jersey w^th the same Powers and Authoritys of government to the Lord Lovelace as were granted to the Lord Cornbury Her Majesty's present Governor of those Provinces: Her Majesty in Councill approving y^e same, is pleased to Order as it is hereby order'd that the said Drafts (w^ch are hereunto annexed) be forthwith prepared for Her Majesties Royall Signature in order to be pass'd under the Great Seal of Great Brittain, and y^e R^t Hon^ble the Earl of Sunderland Her Majesties Principall Secretary of State is to cause the said Drafts to be prepared for Her Majesties Royall Signature accordingly.

A true Copy

(signed) JOHN POVEY.

Report of the Commissioners of Customs on Lord Lovelace's Instructions.

[New-York Papers, y. z. Y. 91.]

May it please Your Lord[p]

In obedience to your Lord[ps] commands signified to us by M[r] Lowndes in his letter of the 30[th] of Aprill last, inclosing one from M[r] Popple Secretary to the Comm[rs] for Trade & Plantacôns with the draught of orders & Instructions relating to the Acts of Trade and Navigation to be given to the Lord Lovelace for the governm[t] of Her Ma[ts] Province of New York and New Jersey: —

We do humbly report to your Lord[p] that wee have perused and considered the said Orders & Instructions and find them agreeable to the severall laws then in being; And whereas since that draught was prepared, certain laws and clauses relating to Her Ma[ts] Plantations have been past, to which these Instructions should be made conformable: Wee have for that purpose hereunto annexed a paper* particularly referring to the said Acts and Clauses.

And it being provided by the Act made in the 7 & 8 years of the reigne of the late King William, For preventing Frauds, and regulating abuses in the Plantation Trade, that the Governours or Commanders in Cheif of the Plantations shall before their entrance into their Governm[t] take an oath to do their utmost that all the clauses matters and things therein contained, as well as in other Acts therein recited, relating to the Colonys & Plantations, shall be observed according to the true intent and meaning thereof; Wee humbly acquaint your Lord[p] that there is no such obligation of an Oath upon the Govern[rs] to observe the Acts which have been since passed for the security of the Plantation Trade. And therefore Wee do humbly propose that all Her Ma[ts] Governours may by their Instructions be the more strictly obliged to do their utmost, that all the clauses, matters, & things contained in these subsequent Acts be duly executed, according to the true intent and meaning thereof, untill provision be made to enjoine the said oath by law.

All which is humbly submitted to
Your Lord[ps] consideration.

C. Godolphin.
T. Newport
Will: Culliford
Jo. Werden. J. Stanley.

Custom House London
21[st] May. 1708

* There is no paper now annexed. — R. Lemon.

Representation of the Board of Trade on Lord Lovelace's Instructions.

[New-York Entries, G. 145.]

To the Queen's most Excellent Majesty.

Having in obedience to Your Majesty's commands laid before your Majesty the Draughts of Commissions for the Right Hon^ble^ the Lord Lovelace to be y^r^ Majesty's Captain General and Gov^r^ in Chief of Your Majesty's Provinces of New York and New Jersey; we herewith humbly lay before Your Majesty the Draughts of Instructions to His Lordship, for the said Governments, which Instructions are to the same purpose as those that have from time to time been given to the Lord Cornbury.

And whereas it has been represented to us by several of the most considerable proprietors of the Western division of that province, that Thomas Revel & Daniel Leeds, two members of Y^r^ Majesty's said Councill for the said Division have been concerned in arbitrary proceedings, which have rendered them unacceptable to the said Proprietors, and thereby less able to serve your Majesty in that Station. We therefore humbly offer that William Hall, and John Harrison, who have been recommended to us by the said Proprietors as persons fitly qualified to serve Your Majesty, may be constituted members of your Majesty's said Council, in the stead of the said Revell, and Leeds, and that their names be accordingly inserted in the Instructions herewith humbly laid before Your Majesty.

Which are most humb: submit^d^

Stamford
Herbert
Ph: Meadows
Jn° Pulteney

Whitehall
May the 31^st^ 1708.

Paper from Boston complaining of the Neutrality of the Five Nations.

[New-York Entries, y. z. Y. 92.]

This Province with the little Province of New Hampshire has been singled out from the rest of Her Maj^ties^ Provinces adjoyning, and made the butt of the present warr, by reason that the Province of New York has in no measure joyn'd their assistance against the Common enemy, nor encouraged the Five Nations of the Maquas (who are in allyance with us and them) to hostility against y^e^ French; But, as we have credible and certain intelligence, hold a correspondence and trade with and afford supplies to y^e^ French Indians of Canada & the Eastern parts, who have often made bloody incursions upon us, wherein they have slain & captivated a great number of Her Maj^ties^ subjects of this Province, which y^e^ government here observing in y^e^ year 1704. sent Commiss^rs^ to y^e^ said Five Nations to confirm our friendship with them & move them to take up arms against y^e^ French (as they did y^e^ last war.) who told them they were ready to do it, if y^e^ Govern^r^ of New York would direct them. Whereupon this Government made their application to him, to encourage and direct them so to do; who

returned answer he did not think it proper so to do without Her Majties direction; and that Government has enjoyed a profound peace and profitable trade, whilst this Province has been so extremely wasted and impoverisht, and that not only by the great number of those who have been slain & carryed away captive, but very many of our inhabitants have fled out of this into the neighbouring Provinces; insomuch that severall new towns have been there peopled cheifly by them, where they live in safety & little publick charge.

It seems therefore highly reasonable & necessary (if Her Matie in her great wisdom shall esteem it so) that commands be given to ye government of New York to do their duty in joyning their assistance against Her Majties enemies, and directing & encouraging ye Five Nations of ye Maquas to make their descents upon the French at Canada, as they did ye last warr whereby ye French were reduced to great distress & their marches upon us wholly prevented, which this warr have been frequent, to our very great damage.

And I cannot but think if this matter were fairly and truely represented to her Majtie she would be graciously pleased so to direct: for unless ye enemy be diverted, this Province will be in great hazard of being ruined & lost if the war continues.

We have more reason than ever to expect to be insulted in the advancing summer, by reason of an unhappy expedition made the last year to reduce Port Royall, which was defeated, but has animated and irritated ye enemy to form attempts against us and we have good advice that ye Governor of that place dispatcht a packet boat ye last summer to obtain a force to defend them & insult us this summer, wherein 'tis very probable he may succeed, since his predecessor Monsr Brouillon, two years since in France had, upon his life, assured ye French Ministers that if he might have 3 or 4 ships of force, he would ruine the English plantations in these parts; which designe was carrying on, but his death before he arrived, stop it. The present Governr Monsr Supercasse is a resolute soldier, and signalised himself at Newfoundland when he was Governr of Placentia, and now very much, in his defence of Port Royall, that his interests and application is very likely to prevail for a supply of sea & land forces. And if it should not be so great as to attempt this place, yet may easily land and destroy ye lesser towns upon the Coasts, and particularly Piscataqua, which they have threatned; and then the trade of this place will be wholly cut off, the fishery ruined, & ye supply of masts and other navall stores for Her Mats Navy at an end. If the Province should be able to stand ye shock which may be very much doubted, since the Indian Allyes of the French are very numerous, & will doubtless make an impression upon the frontiers by land at the time ye ships do by sea, we are, in my apprehension in very great necessity of present help from her Majtie altho our Generall Assembly were not so happy as to agree in forming their address for it. And if Her Matie should be graciously pleased to direct a small squadron of her ships to touch at Port Royall in their passage to ye West Indies, being provided with officers & men for such a service, I hope that place would be soon reduced, which would be a very great service to ye Crown upon divers accounts.

This is a Coppy of a paper sent me from Boston
in New England by that Convoy which
lately arrived at Kingsale in Ireland.

(signed) C. Dummer

31 May 1708.

Mr. Boyle to the Lords of Trade.

[New-York Entries, G. 271.]

To the Right Hon^ble^ The Lords Commiss^rs^ of Trade & Plantations.

My Lords.

Having laid before the Queen the Inclosed Petition of Joshua Kocherthal, Minister concerning several other Distressed Protestants newly arrived from the Palatinat & Holsteyn who are likewise desirous to be transported to Her Majesty's Plantations in America, in the same manner and with the same advantages as have been already granted to those who came before out of the Palatinate, Her Majesty has thereupon commanded me to transmit the said Petition to Your Lord^ps^ that you may examin whether the fourteen persons therein mentioned are proper objects of Her Majesty's Royal Compassion, as the others were. And in such case Her Majesty's pleasure is, that these which are last arrived shou'd be taken care of, in the same manner as the former. I am

My Lords, Your Lord^ps'^
most humble Servant
H. Boyle.

Whitehall
June 22^d^ 1708.

Petition of the Reverend Joshua Kocherthal to the Queen.

[New-York Entries, G. 271.]

To the Queen's most Excel^t^ Majesty.

The humble Petition of Joshua de Kocherthal Minister, on behalf of himself and other Distressed Persons, lately arrived from Palatinate and Holstein.

Most humbly Sheweth

That your sacred Majesty being pleased to receive the Petitioners late humble Petition with such great clemency and Royal favour, he is thereby incouraged to prostrate himself once more before Your Majesty, and to inform Your Majesty with the utmost submission, that fourteen Persons more three whereof are natives of Holstein, are Arrived here unexpectedly from the Palatinate who having suffer'd under the Calamity which hapned last year in the Palatinate by the Invasion of the French, in this their Deplorable Condition are desireous to settle themselves in some of Your Majesty's Plantations in America, but by reason of their extream Poverty, they cannot Defray their charges for passage thither, they humbly Implore Your Royal Majesty, That they may be permitted to go thither in company with the forty one persons, to whom Your Majesty has most graciously allowed a free passage thither; and that they may also enjoy the same Royal Mercy and Priviledges. And whereas your petitioner cannot hope for competent subsistence in America, after his Arrival there, he most humbly Entreats Your Majesty to grant him such Sallary, for the Support of himself and family, as Your Majesty in Your Great Clemency shall think fit.

And Your Petit^rs^ (as in Duty Bound) shall ever Pray, &^a^

Order directing a change in the Council of New-Jersey.

[New-York Papers, y. z. Y. 13.]

At the Court at Kensington the 26th June 1708.

PRESENT — The QUEEN'S MOST EXCELLENT MAJESTY in Councill.

Upon reading this day at the Board a Report from the Lords Commissioners of Trade and Plantations dated the 31st of the last month with the draft of Instructions to the Lord Lovelace for the government of Her Mats Provinces of New York and New Jersey, and the said Lords Commissioners proposing that William Hall and John Harrison who have been recommended by the Proprietors of New Jersey as persons fitly qualifyed to serve Her Majesty as Members of the Council there in the room of Thomas Revel and Daniel Leeds whom the said Lords Commissioners are informed have been concerned in arbitrary proceedings, and that their names be accordingly inserted in the said Instructions, Her Majesty in Councill approving the same is pleased to order as it is hereby ordered that the Right Honourable the Earle of Sunderland Her Matys Principall Secretary of State doe cause the said Drafts of Instructions, which are hereunto annexed, to be prepared for Her Matys Royll Signature, & that in the Instructions for New Jersey the blanks to be filled up with the names of the said Hall and Harrison according to ye sd Representation.

A true copy
(signed) JOHN POVEY.

Order in Council to prepare Lord Lovelace's Instructions.

[New-York Papers, y. z. Y. 14.]

At the Court at Kensington the 26th June 1708.

PRESENT — The QUEEN'S MOST EXCELLENT MAJESTY in Councill

Upon reading this day at the Board a Representation from the Lords Commrs for Trade & Plantations dated the 10th Inst with the Drafts of Instructions for the Rt Honourable ye Lord Lovelace Capt Genll and Governr in Chief of the Province of New York and New Jersey in pursuance of severall laws relating to Trade and Navigation of this Her Majesty's kingdome and her colonys & Plantations in America; Her Maty in Councill approving the same is pleased to order, and it is hereby ordered, that the Rt Honble the Earle of Sunderland Her Mats principall Secretary of State doe cause the said drafts of Instructions, which are hereunto annexed, to be prepared for Her Mats Royall Signature accordingly.

A true Copy
(signed) JOHN POVEY.

[For these Instructions, which bear date 27th June, 1708, see *N. Y. Council Minutes*, X., 304. — ED.]

Board of Trade to Lord Lovelace.

[New-York Entries, G. 282.]

To the Right Honourable the Lord Lovelace.

My Lord.

Notwithstanding Her Majestys Instructions to Your Lordship there are Several other particulars relating to Your Government of New Jersey, which we think ourselves Obliged to take notice of to Your Lords[p]

The Lord Cornbury having had some Doubts in relation to Fines, Forfeitures & Escheats, and to the Appointing of a Ranger of the Woods; We consulted Her Majesty's then Attorney General thereupon; And inclose a copy of his Report for Your Lord[p's] better information and Guidance in those matters.

Having received from the Lord Cornbury several Acts past in New Jersey in November 1704, We considered the same and transmitted to his Lord[p] our observations thereupon, that he might lay those Observations before the Assembly for their consideration & amendment of the said Acts, before we presented them to Her Majesty for her Confirmation. But not having received any Answer from the Lord Cornbury, We think it necessary to repeat our fore-mentioned Observations to Your Lord[p] that upon your arrival in New Jersey you may consult the Assembly and give us further light in that matter.

The Act for settling the Militia, in the last proviso but one, Enacts that the sums of mony thereby to be levied, are to be paid into the hands of the Receiver General, or Secretary, or such other person as the Gov[r] under his hand shall appoint; And the mony to be applied also to such public Uses as the Governor shall direct; Whereas we think that Publick Moneys ought only to be paid into the hands of the Receiver General, and the Uses to which it ought to be applied for y[e] Support of y[e] Government shou'd be expressed in the Act, and not left at large as it is in this: Which we Desire Your Lord[p] therefore to be Mindful of for the future.

Thô the Design of the *Act for Uniting and quieting the minds of all Her Majesty's Subjects in New Jersey*, be very good, Yet there are some clauses in the Act, which render it unfit for her Majesty's Royal Confirmation, viz[t] That it pardons (amongst other Crimes) all High Treasons, Murders and Piracy, committed before the 13[th] of August 1702; whereas Her Majesty has Reserved to herself, by Her Instructions to you, the Pardonning of those Crimes; which Crimes are always Excepted in Acts of the like nature here; and therefore We Desire Your Lord[p] to endeavour to get this amended in Another Act to be passed for the like purpose.

We have no other Objection to the *Act for Altering the Present Constitution and Regulating the Election of Representatives*, &[a] But that it does not Regulate the Quantity of acres necessary to qualify persons to Elect or be Elected Representatives in the General Assembly; Your Lord[p] will see by Her Majesty's Instructions what is intended upon that Matter, viz[t] That 1000 Acres of Land or £500 Personal Estate should qualify persons to be Elected; and that £100 acres of land and £50 personal Estate, shou'd qualify to be Electors: But if Your Lord[p] find this Regulation too high, you may endeavour to get a new Act passed, for Proportioning that Matter otherwise. In the mean time this Act will remain in force, without being confirmed by Her Majesty; And Your Lord[p] will make a suitable use of your Instructions in that behalf.

We must Desire Your Lord^{p} upon transmitting [the laws,] that you be particular in giving us Your opinion upon each respective Act, together with the Reasons for passing the same, in such manner as you are required by Your Instructions.

A complaint having been made by the Proprietors of the Western Division, that the Lord Cornbury had caused their late Secretary to deliver all public Books, Papers and Records to M^{r} Bass Secretary of the Province, and that their Records of Deeds had been carried out of the Province, which may be of great prejudice to the said Proprietors, We are of opinion (and accordingly signifyed the same to the Lord Cornbury) that all Books and Papers, Deeds and Evidences, relating to the Proprietorship of the soil, be not taken out of the hands of the Proprietors Agents; and therefore if this be not remedied, Your Lord^{p} will do well to give Directions therein.

The Lord Cornbury having informed us, that an opinion had lately been started in his Governments viz^{t} If he send any orders to New Jersey, relating to the affairs of that Province, whilst he is resident at New York, they are of no force, and so the same of his sending orders from New Jersey to New York; We think it necessary to acquaint Your Lord^{p} that it is a very trifling and Extravagant Opinion the contrary being practised every day here by the Lords Lieutenants of Counties; and particularly by the Lords Lieutenants of Ireland, who frequently send Orders into Ireland, whilst they are Resident in this Kingdom.

Having had occasion to consult S^{r} Edward Northey, Her Majesty's late Attorney General in relation to Probate of Wills at New York, We inclose to Your Lord^{p} a Copy of his opinion which may be a guide to Your Lordship in all future occasions.

Not having received from New York or New Jersey any Minutes of Council or Assembly, nor any Naval Officers lists of Ships Entred & cleared, nor accounts of the Revenue, since the Lord Cornbury's Governm^{t} We must Desire Your Lord^{p} upon your arrival there, to give the necessary Directions, that the said Minutes, Accounts &^{a} for the Lord Cornbury's time be transcribed and sent by the first opportunity. And that Your Lord^{p} do transmit to us Quarterly, Transcripts of all such Minutes &^{a} as shall be made from to time according to Your Instructions, that We may be the better enabled to lay before Her Majesty a true State of matters as they may occur.

Her Majesty having been pleased to confirm several Acts passed at New York, We Inclose to Your Lord^{p} Her Majesty's Order in Council of the 20th May 1708 for that Purpose. As also another Order in Council of the same Date, for Repealing an *Act for restraining and punishing Pirates*, The Reason for which Repeal is, that the Proceedings against Pirates having been Regulated since the passing the above said Act, by an Act of Parliament, passed here in the eleventh year of His late Majesty, Entituled An Act for the more effectual Suppression of Piracy, and Her Majesty having issued Commissions to all the Plantations pursuant to the said Act, this Act passed at New York is unnecessary. Both which Orders Your Lord^{p} is to cause to be published, and entred in the Council Books as usual.

The Lord Cornbury having transmitted to us, a Remonstrance from the Assembly of New Jersey to him, with his Answer thereunto (a Copy whereof is here inclosed) We have considered the same, and have made the following Observations thereupon, which we think necessary to communicate to Your Lordship.

The FIRST ARTICLE. It appears evidently by the Lord Cornbury's Commission that he has no power to pardon Treason and Wilful Murder; But in such cases he is allowed to grant Reprieves to the offenders untill and to the Intent His Majesty's Royall pleasure may be known therein. In order whereunto, he is with all convenient Speed, to Transmit to Her

Majesty a full State of the matter of fact relating to such Offenders, which we do not find that the Lord Cornbury has done.

Upon this Occasion We must take notice to Your Lordship that the want of Prisons in New Jersey is a matter proper to be laid before the General Assembly: Your Lord^{p} will therefore Represent to them the necessity of having such prisons Built, that they may grant a sufficient Fund, which may be appropriated to that Service.

The SECOND ARTICLE. As to the complaint of paying the Fees of Court, thô the Bill of Indictment be not found by the grand jury. We are of opinion that the Person accused not being Properly in Court, 'till arraigned before the Petty Jury, no Fees 'till then can be demanded.

The THIRD ARTICLE. 'Tis true that the Probate of Wills and Granting of Letters of Administration, is by Her Majesty, entrusted with the Governor: Yet we do not see that the settling such an Office in each Division in New Jersey, as proposed by the Remonstrance for the Ease of Her Majesty's Subjects there will be a lessning of the Rights of the Prerogative, or of the Governor.

The FIFTH ARTICLE. We are of opinion, Notwithstanding the Lord Cornburys Answer to the Remonstrance, that such a Patent for the Sole carting of Goods, as is therein mentioned, is a Monopoly, within the 21st Jac: 1st. Cap. 3^{d}.

The SIXTH ARTICLE, We are also of Opinion that no fee is lawful, unless it be Warranted by Prescription, or Erected by the Legislature, as was adjudged in Parliament in the 13th Hen 4th in the Case of the Office then Erected, for measurage of Cloths and Canvass. Vid. Cook's 2: Inst: fol. 533. 534. We are, My Lord,

Your Lord^{ps} most humble Servants

HERBERT
PH. MEADOWS
JN. PULTENEY
CH. TURNER

Whitehal
June the 28th 1708.

P. S. Her Majesty having been pleased by Her Order in Council of the 26th of June 1708 to confirm One Act past at New York the 2^{d} March 169$\frac{8}{9}$, Entituled an *Act for Vacating, breaking and annulling several Extravagant Grants of Land, made by Colonel Fletcher late Governor of this Province under His Majesty*, And to Repeal one other Act also past at New York, the 27th November 1702, Entituled, an *Act for Repealing Several Acts of Assembly and Declaring other Ordinances Published as Acts of Assembly to be Void* We inclose to Your Lord^{p} Her Majesty's said Order which you are to cause to be published and Entred in the Council Book as usual.

By their Lord^{ps}' Order
W^{m} POPPLE Ju^{r}

We Desire that Your Lord^{p} will please upon Your arrival in New York, to forward these Inclosed Packets to the several Governors to whom they are Directed, the same being of importance to Her Majesty's Service

By their Lord^{ps}' Command
W^{m} POPPLE, jun^{r}

Board of Trade to the Earl of Sunderland.

[New-York Entries, G. 276.]

To the Right Honourable The Earl of Sunderland.

My Lord.

Having Prepared a Representation upon the Petition of Mr John Rayner to Her Majesty Praying that he may be appointed Attorney and Advocate General of New York, We transmit the same to Your Lordship to be laid before Her Majesty, And are

My Lord,

Your Lordp's most humble Servants

HERBERT
PH. MEADOWS
JN. PULTENEY
CH. TURNER.

Whitehall
June 28th 1708

Report on the Petition of John Rayner Esqr.

To the QUEEN'S MOST EXCELLENT MAJESTY.

May it please Your Majesty.

In Obedience to Your Majesty's Cõmands signified to us by the Right Honble the Earl of Sunderland the 11th of May last, We have considered the Petition of John Rayner Esqr Wherein the Petitioner sets forth, that Sampson Broughton Esq. about two years since was appointed Attorney and Advocate General of Your Majesty's Province of New York, contrary to the constant method in such cases used for Your Majesty's Service in regard the said Broughton never Obtained any Report of his Abilities to serve Your Majesty in those Offices, from the Commissrs of Trade & Plantations to whom (as the Petitioner suggest) the said Broughton's Petition was Referred; The Petitioner further alledges, that the Lord Cornbury Your Majesty's Governor there, looking upon the said Broughton as a person incapable of executing the said Offices, had never Admitted him to Act as Attorny General, but had put in Mr Bickley (no Barrister at Law) who at present Officiates as Attorny General; And therefore the Petitioner Rayner prays that he may be appointed Your Majesty's Attorny and Advocate General of New York, in the room of the said Broughton; Whereupon We humbly Represent to Your Majesty that the said Rayner has produced to us a Paper, signed by Eight of the Justices of Your Majesty's Courts of Record in Westminster Hall (a Copy whereof is hereunto annexed) Certifying that they believe him to be well affected to Your Majesty's Governmt and very well qualified in his profession to serve Your Majesty as Judge or Attorny General in any of Your Majesty's Plantations.

We further represent to Your Majesty that we find the said Sampson Broughton, upon the death of his father (who was made Attorny General of New York by his late Majesty, in the Year 1700, and dyed in that Office) did exhibit a petition to the then Commissrs for Trade & Plantations, Praying to be recommended to Your Majesty for the place of Attorny General of New York, which Petition (so Originally brought before them, and not by way of Reference in the Petition of the said Rayner is suggested) was by the said Commissrs referred to Sr

Edward Northey, Your Majesty's then Attorny General, for his Opinion as to the qualifications of the said Broughton; But no Report was made therefore; for soon after the said Broughton (who had taken the Degree of a Barrister at law in the year 1700, as appears by the Register of the Middle Temple) did procure Your Majesty's letters Mandatory to the Lord Cornbury, Dated the 18th of June in the fourth year of Your Majesty's Reign, directing his Lordp to constitute the Said Broughton Attorney General of Your Majesty's Province of New York.

We find that the Lord Cornbury did receive Your Majesty's said letters, and that upon the 22d of August 1706, he did communicate the same to the Council there, Declaring at the same time, that there were many Objections depending at Your Majesty's Suit in the Supream Court of that Province (then near at hand) wherein Mr Broughton cou'd not be timely instructed; and therefore he thought proper to defer the passing a Patent to the said Broughton, 'till that Court was over, Whereby the Person who then Officiated as Attorny General might have the Management of those Tryals, as appears by a Minute of that Council of the said 22d of August 1706, so that the not admitting the said Broughton into the Office of Attorny General at that time, appears by the said Minute for the reason Aforesaid, Nor is there mention in the said Minute, that it was on Account of his inability for the Discharge of that trust, as is alledged [by] the Petitioner Rayner.

We further find that on the 26th of June 1707 the said Broughton petition'd his Lordship (as appears by a Minute of the Council of New York of that date) to grant him Letters Patents under the Seal of New York, for the said Office of Attorny General, According to Your Majesty's before mentioned letters mandatory; That thereupon his Lordp informed the Council, he had writ to one of Your Majesty's principal Secretaries of State, and to Your Commissrs for Trade & Plantations, in relation to the said Broughton; And that he Expected an Answer thereunto. We cannot tell whether any such letter has been writ to either of Your Majesty's Principal Secretaries of State, but we have received none such from his Lordship, nor has he at any time given us an account of his Proceedings in relating to the said Broughton.

We further humbly Represent to Your Majesty, that since the receipt of Your Majesty's Order of Reference upon the Petition of the said Rayner, and while that matter was under Examination, We have recd Your Majesty's Order in Council of the 23d of June 1707 (which, however it may have hapned, was not deliver'd to us 'till now) referring to us the Petition of the said Sampson Broughton, wherein he complains that the Lord Cornbury, contrary to Your Majesty's fore-said gracious letters, long since granted on his behalf, had refused to admit him the said Broughton to act as Attorny General, without assigning any Crime or Misdemeanour against the Petitionr for such his Lordp's refusal, and therefore the said Petitioner Prays Your Majesty's gracious Directions therein.

Upon which we humbly Represent to Your Majesty, That we find the Case of the last mentioned Petitioner Sampson Broughton to be as set forth in his Petition, as the same is herein before more fully stated, in relation to the first mentioned petition of John Rayner.

Upon Mr Broughton's arrival here from New York, he applied to us; whereupon we directed him to attend Sr Edward Northey to whom his former Petition had been referred, for a Certificate of his Ability for the Discharge of the said Office of Attorney General, and he has brought us a certificate, in the Words following, Vizt

" Mr Sampson Shelton Broughton, the father of the present Mr Broughton, I knew many " years, he was a barrister of long standing in the Middle Temple, and his son was bred there " under him, and was called to the Bar at the time his father went to New York, and went " thither with him, he not having practised in England before he went to New York, I am not " able to give any account of what proficiency he had then made in the Study of the law, but " that being seven years since by the account he and others have given me of his application " to his Studies in New York, and the knowledg he has gain'd of the People, laws and " methods there, it seems probable to me, that he will be able to serve Her Majesty there in " the place in which She was pleased by her Letter to direct him to be placed. Edward " Northey. June 24th 1708.

Upon the whole matter we are humbly of opinion That in due obedience to Your Majesty's fore said letters mandatory, the Lord Cornbury ought to have admitted the said Broughton to the Office of Attorny General; the not doing whereof has been injurious to him, in Depriving him thus long of the Salary and Fees belonging to the said office. And if his Lordp after Tryal of him, had any just objections to the said Broughton's being continued in that Imployment he should have made them known to one of Your Majesties Principal Secretaries of State, or to Your Commissrs for Trade & Plantations, for Your Majesty's further pleasure therein; This method ought to have been observed, but in the case before us, we find neither want of Ability nor any Misbehaviour Proved upon the said Broughton, nor any legal objection made against the manner of obtaining Your Majesty's letters mandatory. For as to the objection of their being obtained without any report first made to Your Majesty, from Your Commissrs for Trade & Plantations there is no weight in that; the disposition of places and offices being intirely in Your Majesty. Nevertheless if Your Majesty shal be graciously disposed to gratify the Petitioner Rayner by a Grant of the said office of Attorny General (his Qualifications for the Discharge of that trust appearing very fully by the said annex'd Certificate) We have no objection to the said Rayner's receiving the Benefit of such Your Majesty's Royal favour.

All which is most humbly submitted.

Herbert
Ph. Meadows
Jn. Pulteney
Ch. Turner.

Whitehal
June 28th 1708

The Names, Trades, &c., of the German Protestants to be settled at New-York.

[New-York Papers, y. z. Z 21.]

28th June 1708.

NAMES.	TRADES.	CONDITION OF LIFE.	SEX.		AGE.	
			MALE.	FEM.	YEAR.	MON.
1						
Lorenz Schwisser	Husbandman & Vinyard	Married	M		25	
Anna Catharina Schwisserin		Wife		F	26	
Johanna Schwisserin		Child		F		8
2						
Henry Rennau	Stockingmaker Husbandman & Vinyard	Married	M		24	
Johanna Rennauin		Wife		F	26	
Susaña Liboscha		Sister unmarried		F	15	
Maria Johaña Liboscha		Sister unmarried		F	10	
Lorenz Rennau		Child	M		2	
Heinrich Rennau		Child	M			5
3						
Andreas Volck	Husbandman and Vinyard	Married	M		30	
Aña Catharina Volckin		Wife		F	27	
Maria Barbara Volckin		Child		F	5	
Georg Hieronymus Volck		Child	M		4	
Anna Gertrauda Volckin		Child		F	1	
4						
Michael Weigand	Husbandman	Married	M		52	
Aña Catharina Weigandin		Wife		F	54	
Ana Maria Weigandin		Child		F	13	
Tobias Weigand		Child	M		7	
Georg Weigand		Child	M		5	
5						
Jacob Weber	Husbandman and Vinyard	Married	M		30	
Anna Elisebetha Weberin		Wife		F	25	
Eva Maria Weberin		Child		F	5	
Eva Elizabetha Weberin		Child		F	1	
6						
Jacob Pletel	Husbandman and Vinyard	Married	M		40	
Ana Elisabetha Pletelin		Wife		F	29	
Margaretha Pletelin		Child		F	10	
Anna Sara Pletelin		Child		F	8	
Catharina Pletelin		Child		F	3	
7						
Johannes Fischer	Smith and Husbandman	Married	M		27	
Maria Barbara Fischerin		Wife		F	26	
Andreas Fischer		Child	M			½
8						
Melchior Gülch	Carpenter or Joiner	Married	M		39	
Aña Catharina Gülchin		Wife		F	43	
Magdalena Gülchin		Child		F	12	
Heinrich Gülchin		Child	M		10	
9						
Isaac Türck	Husbandman	Unmarried	M		23	
10						
Josua Kocherthal	Minister	Married	M		39	
Sibylla Charlotta Kocherthal		Wife		F	39	
Benigna Sibylla Kocherthal		Child		F	10	
Christian Joshua Kocherthal		Child	M		7	
Susaña Sibylla Kocherthal		Child		F	3	

Catologus Serius Adventorum ex Palatinatu ad Rhenum.

NAMES.	TRADES.	CONDITION OF LIFE.	SEX.		AGE.	
			MALE.	FEM.	YEAR.	MON.
1						
Peter Rose	Cloth Weaver	Married	M		54	
Johanna Rosin		Wife		F	45	
2						
Maria Wemarin	Husbandwoman	Widuwe		F	37	
Catharina Wemarin		Child		F	2	
3						
Isaac Feber	Husbandman and Vineyard	Married	M		33	
Chatarina Feberin		Wife		F	30	
Abraham Feber		Child	M		2	
4						
Daniel Fiere	Husbandman	Married	M		32	
Anna Maria Fiere		Wife		F	30	
Andreas Fiere		Child	M		7	
Johannes Fiere		Child	M		6	
Ex Holsatia						
1						
Herman Schüneman	Clerck	Unmarried	M		28.	

Board of Trade to Mr. Secretary Boyle.

[New-York Entries, G. 291.]

To the Right Honourable Mr Secretary Boyle.

Sr

In Obedience to Her Majesty's Commands signified to us by Your letter of the 22d Instant upon a second petition of Joshua de Kocherthal, to Her Majesty, in behalf of himself and 14 other distressed Protestants lately arrived from the Palatinate and Holsteyn, Praying that they may in Company of the 41 Lutherans alread provided for, be transported to Her Majesty's Province of New York, and partake of the like allowance and Advantages the said Lutherans are to receive, as well during their stay here as at their Arrival in the said Province; We have considered the same and find that the Testimonials which they have produced under this hands and Seals of the Ministers Baylifs or Principal Magistrates in the Villages where they dwelt, do give a good character of the said Poor Protestants, and certify that they are reduced to the utmost want, having lost all they had by the frequent Incursions of the French and Germans near Landau; find further that two of them have Entred themselves into the Service of the Lord Lovelace, so that there are but 12 to be provided for.

Whereupon We humbly Offer that the said 12 Poor Protestants are fit Objects for her Majesty's Bounty, and that if Her Majesty shall be graciously pleased to allow them the same as is already granted to the others, for their subsistence, and that they be transported with the Rest to New York, We further humbly Offer that before their Departure they be likewise

made free Denizens of this kingdom, for their greater incouragement in the Injoyment of the Privileges accruing by such letters of Denization. We are, S^r^

Your most humble Servants.

HERBERT
PH. MEADOWS
JN° PULTENEY
CH. TURNER.

Whitehal
June 29^th^ 1708.

Additional Instruction for Lord Lovelace.

[New-York Entries, G. 298.]

[ANNE R.] Additional Instruction to Our Right trusty and Welbeloved JOHN Lord Lovelace, Baron of Hurley, Our Captain General & Governor in Chief of Our Province of New York, and the Territories depending thereon in America. Given at Our Court at [Windsor] the [Twentieth] day of [July] 1708, In the Seventh Year of our Reign.

WHEREAS We have thought fit by Our Order in Council of the 26^th^ of June 1708 to Repeal an Act past at New York the 27^th^ of November 1702. Entituled *An Act for Repealing several Acts of Assembly and Declaring Other Ordinances publish'd as Acts of Assembly to be Void;* And whereas by the said Order, We have likewise thought fit to confirm and approve an Act past at New York the 2^d^ of March 169$\frac{8}{9}$ Entituled, *An Act for Vacating, Breaking and Annulling several Extravagant Grants of Land, made by Colonel Benjamin Fletcher, late Governor of this Province under His Majesty*, by the Confirmation of which Act, several large Tracts of Land (as by the said Act will more fully appear) are Resumed to us, and are in our Disposal to Re-grant as we shall see Occasion; OUR WILL and PLEASURE therefore is, that you may Regrant to the late Patentees of such Resumed Grants, a suitable number of Acres, not exceeding two thousand to any one person; And that in such Grants, as well as in all future Grants, there be a Reservation to us, Our heirs and Successors of a Yearly Quit Rent of Two Shillings and Sixpence for every hundred acres, with a Covenant to Plant, settle and effectually Cultivate at least three Acres of Land for every fifty Acres, within three Years after the same shall be so granted, upon Forfeiture of every such Grant.

And for the more convenient and equal setting out of all lands to be granted within our said Province of New York, OUR further WILL and PLEASURE is, that you our Governor, or the Commander in Chief of our said Province for the time being, the Collector of Our customs, our Secretary and Surveyor General of New York, for the time being, (the Surveyor General always to be one) or any three or more of You and them, do sett out all lands to be hereafter granted, and that therein You have Regard to the Profitable & unprofitable Acres, so that each Grantee may have a proportionable number of one sort and the other, As likewise that the length of Each Tract of Land, to be hereafter granted, do not Extend along the Banks of any River, but into the main land, that thereby the said grantees may have each a convenient share of what accommodation the said Rivers may Afford for Navigation or otherwise.

And to prevent any Impediment which the production of Naval Stores in our said Province may receive from such Grants, You are to take care, that in all new patents for land, there be Inserted a clause to restrain the grantees from Burning the Woods to clear the land, under the Penalty of forfeiting their Patent, and You are to use Your Endeavours to procure an Act to be passed in the Assembly of our Province of New York for that purpose.

And lastly Our Pleasure is, that in the said patents, there be likewise a Particular Reservation to us, Our Heirs and Successors, of all Trees of the Diameter of twenty four Inches and upwards, at twelve Inches from the ground, for Masts for Our Royal Navy; as also of such other Trees as may be fit to make plank, Knees &ª for the use of our said Navy.

[The words within brackets in the preceding document are added from *New-York Council Minutes*, X., 283. — Ed.]

Lord Cornbury to the Board of Trade.

[New-York Entries, G. 328.]

To the Right hon^ble^ The Lords Commiss^rs^ for Trade & Plantations.

My Lords.

Your Lord^ps^ Letters of the 7^th^ of May 1707 I had the honour to receive on the 25^th^ of June last at Shrewsbury in New Jersey, from whence I returned to this place on the 28^th^ At my arrival here I was informed that a Ship would be ready to sail in a few days Directly for Bristol, which opportunity I was glad to embrace to acknowledge the receipt of those letters I have been favoured with since the Queen has been pleased to grant Her Commission to Your Lord^ps^ of which I begg leave to wish Your Lord^ps^ much joy.

Your Lord^ps^ are pleased to inform me, that it is Her Majesty's pleasure and Express Command that the Gov^rs^ of all Her foreign Plantations, do from time to time give unto Your Lord^ps^ frequent and full Informations of the State and Condition of their respective Governments, &c^a^ In all these things I shall endeavour to observe Her Majesty's commands punctually, as soon as time can possibly allow it; for some of the things you are pleased to require of me, will take a considerable time to transcribe; as for Example, the Proceedings in the Council and Assembly and the Supream Court, all which shall be done as fast as possible; I wish with all my heart that Packet Boats were Establish'd to some part of this Continent, then we should not only have frequent safe opportunities of Writing to England, but we should hear more frequently from thence, whereas now we are sometimes many months without hearing any thing, particularly at this time, till I had the favour of these letters of the 7^th^ of May I have not had one line from Your Lord^ps^ Board, nor from the Right Hon^ble^ the Sec^y^ of State these fifteen months; and we have but two safe ways of sending into England, which are the Virginia Fleet and the Mast Fleet from New England; from the first of those places there is no post, so that it is very hard to know when that Fleet is to sail; for either we must know it by some Vessel that comes from thence to this Port, (and that is not above two or three in a year) or Else by some traveller who comes from thence by land; so that sometimes a letter is Six Weeks coming from Virginia, some times longer, By which means we lose the opportunity of sending by that Fleet. From Boston there is a Post by which we can hear once a week in

summer time, and once a fortnight in Winter, so that we have a sure conveyance by the Mast Fleet; The Conveyances by the West Indies have proved very uncertain for several of our Vessels have been taken Every Year during this War, besides that several of the Packet Boats from England have been likewise taken. Your Lord^{ps} are likewise pleased to inform me that the said Governors are to transmit unto you yearly accounts by way of Journal &^{a} all which I shall take care to observe. I can't but be extremely surpris'd to find by your Lord^{ps} letter relating to the Province of New York, that there are not in Your Offices any Minutes of Council or Assembly, or Accounts of the Revenue, since my coming to the Government; because I must assure Your Lord^{ps} that I have never failed of sending the Minutes of Assembly by the first opportunity after each Session, and some of them I am sure got safe into England; and I hope if you are pleased to order M^{r} Popple to look among his papers, he will find them; However they shall all be transcribed fair, and sent to you; The Accounts of the Revenue have been constantly sent by the first opportunity, after the Deputy Auditor has audited them, but indeed that M^{r} Clark, the present Deputy Auditor, had refused to do, ever since M^{r} Byerley was suspended, which was in April 1705; so that it has been impossible for me to send those accounts, as I ought to have done, for I must have sent them unaudited, or not at all; as for the Minutes of Council, I sent to your Lord^{ps} two years ago all the Minutes of Councill during the time that M^{r} Cozens was Clerk of the Council; And last year I sent all the Minutes of Council since M^{r} Clark has been Clerk of the Council; these likewise shall be all transcribed as far as the length of them will permit, and shall be sent by the first opportunity that offers. I here inclosed send Your Lord^{ps} a list of the present Council, and likewise a list of the names of such persons as I think by their circumstances most proper to fill up any vacancy that may happen in the Council; In these lists I have distinguished where the Persons named live. And intreat Your Lord^{ps} that what Vacancies are first to be filled, may be filled with Persons inhabiting this City; Because very often I find it difficult to get five together, so many of them living at a Distance. As for the number of Inhabitants of this Province, I sent one exact list of them about four years ago, and another two years ago, where these were distinguished by Whites, and Blacks, Males and Females; I will take care a new list shall be taken and sent by the first opportunity. I will likewise Endeavour to give Your Lord^{ps} an account of the increase or decrease of the Inhabitants since my coming to this Government.

Two sorts of people remove out of this Governm^{t} into the neighbouring Provinces, the first are trading men, of these but few are removed since I came hither; The other sort are Husbandmen, Of this sort many are Removed lately, especially from King's County on Long Island; And the reasons why they remove are of two kinds; The first is because King's County is but small and full of people, so as the young people grow up, they are forced to seek land further off, to settle upon; The land in the Eastern Division of New Jersey is good, and not very far from King's County, there is only a bay to crosse: The other reason that induces them to remove into New Jersey is because there they pay no taxes, nor no duties; The most effectual way to prevent the Removal of the first sort of people, would be to bring all the Colonies and Plantations upon the Continent of America under the same Duties and Customs, for goods Imported & Exported; If this were once settled the trading Men wou'd then consider which is the healthiest, pleasantest, and most convenient place for Trade; whereas now the Chief Consideration is, where the least Duties are paid; Of this we have had several instances lately; since the French destroyed Nevis several families have removed from that Island, with intent to settle in this place, but when they have found what

Duties people have paid, and do pay here, and that at Philadelphia they pay none at all, they remove thither. As for the husbandmen, I can't see how they can be hinder'd from removing out of one province into the other. As for the number of Militia of this Province, your Lord$^{p's}$ shall have an exact list of all; In the mean time I think I may say they amount to rather more than four thousand men. The Commodities exported from this Province to England, of the growth of the Province, are Peltry of all sorts, Pitch, Tar, Rosin and Trayn Oil; and if due encouragement were given good quantities of hemp, flax, timber, Masts, and Yards, might be sent from this Province to England; But besides the commodities above mentioned, we send into England considerable quantities of Sugars, molosses, Logwood and other Dying wood, scochaneel, indigo, and Cacao Nuts which we have from the Islands of Barbadoes, Mountserrat, S^{t} Christopher's, Nevis, Antegoa and Jamaica; To which Places we send flower, biscuit, beef, pork, bacon and trayn oyl. Besides the trade we have with the English Islands in the West Indies, as abovementioned, We have some Vessells that trade to Surinam and Curaçao, And some to S^{t} Thomas; To the two first of these places we carry flower, bacon, Candles, and Train Oyl, and some times Horses; from thence we have in return heavy Spanish mony, and some times some Cacao; From the latter we have Rum, Sugars, Molosses, Cacao and Cotton Wool; and we send thither flower, beef, pork and Bacon; But I look upon the Trade to S^{t} Thomas to be prejudicial to these Parts, because the commodities we have from that Island (which is subject to the King of Denmark) are not the produce of the Island, but the produce of Prizes taken by the French upon the Subjects of the Queen, and carried in thither, it being a Neutral Port. Some times we have a vessell or two to go to the Coast of Guinea, & bring Negros from thence, but they seldom come into this place, but rather go to Virginia or Maryland, where they find a much better market for their negroes than they can do here; The trade of this Province is much decayed of late years, I mean for these ten years past, or more, for in the year 169$\frac{4}{5}$ it received its most fatal blow by this means; 'Till that time nobody was permitted to bolt, but the Citizens of New York, then the Bolters were under rule, proper Officers being appointed to view all the flower that was Exported, so that no bad commodity was suffered to go out; But in that year an Act of Assembly was passed whereby all persons in the Country as well as the City were permitted to Bolt; By which means two great Inconveniences have hapned, one (which is the greatest) is, that the commodity is vitiated; for the Country Bolter being under no rule or Check, does not care what the commodity is, so it pass out of his hands; so that he very often mingles Indian Corn flower with his Wheat flower; this being discovered in the West Indies has so cried down our flower that the Pennsylvania flower sels for three shillings the hundred more than ours; Whereas the New York flower used formerly to exceed the Pennsylvania flower one and some times two shillings the hundred, And this I look upon as the greatest Inconveniency that has hapned by that Act; The other is that the Country Bolter ingrosses all the Corn of the County where he lives, And there being Bolters in almost every county, it is very difficult for the City Bolters to get corn to carry on their Trade; The Consequence of which is, that the Bolters remove into the Country; If they remove the Coopers must remove too, for they will find no work in the City; That this will be the case we see by experience Already, several having removed themselves, by which means the City will in some years be unpeopled; These two Inconveniencies have hapned by the above mentioned Act, which I take to be the greatest cause of the Decay of our trade; There is another cause for the Decay of the Trade of this Province whice arrizes from the people's own faults, And that is thus; In the time that S^{r}

Edm. Andros was Governor of this Province there was no Assembly, but all was done by orders of the Governor in Council, He being willing to Incourage the Trade of the Place, as much as he cou'd, made two Orders in Council; One was to incourage the Bolting Trade, by Prohibiting the Exportation of corn in grain, the other was to lay a duty of ten per Cent upon all European Commodities imported into this Province from any part, except from England directly, and that was the first thing that Incouraged the People of this Province to build shipping: The same thing was done since by Act of Assembly; but since that Act expired (which was since I came) I cou'd never perswade the Assembly to renew it, tho' the Inconveniences that happen for want of it are many, as follows. Now the people of New England come and buy our Corn in Grain, with mony which they have clipped to a third part of the real value; They carry it to New England, there grind it and bolt it, and ship it off for the West Indies; on the other hand they bring us in European goods, for which they carry away our best mony; formerly we had nothing in Return from the West Indies for our Flower, and other Commodities, but heavy pieces of Eight; Now there is not one vessel in ten, that brings any mony, only European goods; so that if it were not for the small trade our people have with Surinam and Curacao, we shou'd have no heavy mony in the province; And thó these things are as plain as the Sun, Yet it is not possible to prevail with the Assembly to renew those Acts, and the only reason I can give for it is, That the members for the Country are more numerous than those for the City; They do'nt care what becomes of the Citty, provided they have goods cheap; They think the more Goods are brought in the cheaper they will be, no matter from whence they come, nor how much the Trade of the Province is destroyed: Thus I have acquainted your Lord$^{p's}$ with the Decay of the trade of this province, and the causes of it. If I may propose a cure for the first of these Distempers, I can think of none but these; first if the Bolting Act is not already confirmed at home, that the Queen wou'd be pleased to Reject it, If it is confirmed either by his late Majesty, or by the Queen, under whose Auspicious Reign we now happily live, then I can propose no other remedy than this, that her Majesty will be graciously pleased to allow the City of New York to choose as many Representatives to serve in General Assembly as all the rest of the Province does, By that means they will be able to pass an Act to repeal the Bolting Act, and thus this proposal may not be thought unreasonable as at first sight it may be thought to be, I think the last General Assembly of this Province have made it plainly appear to be most reasonable; for in the Tax of three thousand pounds, which was rais'd for the fortifying this City last year, when we expected the French to land upon us, the Assembly thought fit to lay fifteen hundred pounds, one full half of the three thousand pounds, upon the City and County of New York; Now I think it seems reasonable that if the city of New York is to bear half the burthen, the City ought bear a proportionable share in the Legislature; But this I submit to Your Lord$^{ps'}$ better judgments. As for the second cause of the Decay of the Trade of this Province I see no remedy for that, unless Her Majesty is pleas'd to signify her pleasure, that an Order of the Governor in Council, shall be effectual in that Case, as it was in the time of S^{r} Edmond Andros. That there has been a great deal of illegal trade carried on in this Province formerly is undoubtedly true, I hope it has not been so bad of late years, but yet I know there has been illegal Trade carried on between New England, Connecticut and the East End of Long Island; The only way we have to prevent it is to send a small sloop to cruize in the Sound, between Connecticut and the East End of Long Island; We have sometimes had the good Luck to meet with some of their Vessells, but those Cruizers have

proved chargeable, and the Revenue here is not able to bear it; Colonel Quary has lately settled an Officer at New London in Connecticut, whose Commission likewise Extends to the East End of Long Island, I hope that will in some measure checque that Illegal Trade, though I am well satisfied that the poor gentleman who goes there will meet with very great difficulties; I am of Opinion that if a small Yatch were built, of about fifty or sixty tuns, that might cruize in the Sound between Connecticut and Long Island, it wou'd be one of the most effectual means to prevent illegal Trade; And the Charge of such a Vessel will not be so great as it may at first sight seem to be; for if the Iron Work, Sails and Rigging are sent from England, the Timber, Mast and Building will be found here for four hundred pounds, and the only certain charge will be a Master, one man, and a boy, to look after the Yacht, when she is in harbour, and in Winter when she is laid up, And I think it is very plain the charges of building such a Vessel will soon be saved for if we must hire a Sloop for that Service the cheapest we can get her is five and twenty pounds a month, or Eighteen Shillings a Day, and we must man her & victual her; The Months in which that illegal Trade is chiefly carried on, are the Months of May, June, July, August and September, so that at five and twenty pounds a month the charge will be £125 a year for the Vessell only, besides the uncertainty of finding a sloop fit for the service, at an hour's warning; whereas such a yatch wou'd be always ready at hand. The number of Vessells belonging to this Port is much diminished of late years, I have been told that there has formerly belonged to this Port two and thirty top sail Vessels, besides Sloops; Now we can't reckon above Eight and Twenty Top Sail Vessels & Sloops; The number of Seafaring men is likewise Decreased Cheifly by the loss of two Privateers, one of which it is thought foundered at sea with about four score hands on board of her, and another which was cast away at Sandy Hook, going out, and an hundred and twenty men were lost in her, so that now, by the best computation that can be made, I ca'nt find above three hundred Seafaring men, of all sorts, belonging to this Port. All sorts of Vessells are built well in this place, but the Vessells most usually built here are Brigantines and Sloops, of both which sorts there are several built every year in this place, by Direction and for the use of the Merchants in Jamaica, Barbadoes and others of the Leeward Islands, besides those that are built for the use of the Merchants of this Place, which have been a pretty many of late, because our people have lost a great many Vessells this War, both going to and coming from the West Indies, And I d'ont believe there are above six Vessels belonging to the Place but were built here. The Manufactures settled in this Province are Linnen and Woollen; they make very good Linnen for common use, and I do'nt doubt but in time they will improve that considerably; As for the Woollen I think they have brought that to too great perfection already; And I must be of opinion that that will be a very great prejudice to England in a few Years, and ought to be taken care of in time; They already make very good Serges, Linsey Wolseys, and in some places they begin to make coarse cloth, and without doubt in a short time they will so far improve in that, as not to want the Assistance of England to Cloth themselves, how far that may be to the Advantage of England, I submit to Your Lord$^{ps'}$ considerations.

We have all sorts of Trades here, and some of every sort that work well; There is as good Fuller's Earth and Tobacco Pipe Clay in this province as any where in the World; The quantity of Train Oyl made in Long Island is uncertain, some years they have much more fish than others, for example last year they made four thousand Barrils of Oyl, and this last Season they have not made above Six hundred; About the middle of October they begin to look out

for fish, the Season lasts all November, December, January, February and part of March; a Yearling will make about forty Barrils of Oyl, a Stunt or Whale two years old will make sometimes fifty, sometimes Sixty Barrils of Oyl, and the largest whale that I have heard of in these Parts, Yielded one hundred and ten barrels of Oyl, and twelve hundred Weight of Bone; There might be good Improvement made in the Fishery of Codd fish & Mackril; But fish of several sorts is so plenty in the Rivers, and in the Bay before this City, that our people will not take the pains to go to Sea. / Thus I have Endeavoured to answer the several queries Your Lord^{ps} are pleased to put me, with respect to the Province of New York as well as the Shortness of the time of the Sailing of this Ship wou'd permit; By the next conveyance I will Supply what is defective in this.

Your Lord^{ps} are pleas'd to command me to add whatever I think conducive to Her Majesty's service to the interest of England, to the advantage of this particular Province and to Your assistance in the Discharge of the Trust reposed in Your Lordships. There are many things which might be proposed under these Directions, but I dare not undertake to do it off hand, in the little time this Ship allows me to write; But by the next I will endeavour to offer to Your Lordships what is proper upon this Subject, In the mean time I think it my Duty to offer one thing to Your considerations, which I think very much for Her Majesty's service, for the interest of England and indeed for the particular advantage of this Province if the People would but understand it right: The Assembly of this Province is not very forward pass any Act for settling the Militia, and the last Act I did prevail with them to pass for that purpose they limited to the space of one year; Besides they are not very forward to inflict penalties on their Neighbours for not doing their Duty: this is so, not only in this, but in almost all the Provinces upon the Continent, I therefore offer it to Your Lordships considerations whether it would not be for Her Majesty's Service that a short Act of Parliament were passed in Great Britain for settling and regulating the Militia of these Parts of the World; I am afraid the Militia here will never be in the Order it ought to be, 'till that is done; In the Province of New Jersey it is worse, and in the Province of Connecticut, though Her Majesty was pleased by Her Commission to put the Militia of that Province under my Direction, they refuse to receive any commission from me, or to obey any order.

Your Lord^{ps} are pleased to say that M^{r} Burchett has sent M^{r} Popple an answer to my letter of the 14th of December 1706, relating to the behaviour of Capt. Fane, upon the death of Capt. Miles, and that a Copy thereof is Inclosed for my Information. I beg leave to inform you that I have received no such Copy Inclosed. Capt. Fane is fallen out with all this Province; he has often publickly declared that he hates the whole Province, and every body in it, and that if he met with a New York Vessel at Sea in distress he wou'd give her no assistance, and indeed he has shewn very lately how little kindness he has for the place, for having taken a Prize in his Voyage from Barbadoes to this place he wou'd not bring her into this Port, but carried her into Virginia, where he had no business and ought not to go, this being his Port; I do'nt trouble Your Lord^{ps} with his behaviour to me, which I believe has no precedent; but I hope some other ship will be sent to releive him which will make the Country easier, under the command of some gentleman who will be more diligent than this gentleman has been, for I cou'd never send him an order to cruize, but he wanted something which retarded his going out, six or eight, or sometimes ten Days. Now Captain Norbury since his arrival here, has always been ready, at four and twenty hours warning, does his duty with chearfulness, and I believe will make this Country very easy.

Your Lord^{ps} are pleas'd to inform me that an Act of Parliament is passed for a perfect and

Intire Union of the two Kingdoms of England and Scotland, And you are pleased to say that you have sent me two of the said Acts, that it may be published in the most solemn manner, in this Province of New York &c^{a} I must inform Your Lord^{ps} that no such Acts are come to my hands; I did procure one from the Attorny General of this Province, who had received it from England; And in Obedience to Your Commands I have taken care to publish it in the most solemn manner We are capable of.

Now I beg leave to inform Your Lord^{ps} that since the letters I sent to you by the Mast Fleet, which sailed from Boston the 18th day of March last, nothing extraordinary has happen'd in this Province. In the beginning of May one Jones, Master of a Ship bound from Barbadoes to Philadelphia, overshot his Port, and was taken by a small French privateer from Martinico, about three leagues off from Sandy Hook; The same Privateer had before that taken a small sloop belonging to this place, and two Ships bound from Liverpool to Philadelphia, I was at Burlington when this hapned, as soon as I heard of it I sent orders to Captain Norbury to put to Sea with Her Majesty's Triton's Prize, which he did; And since that we have heard of no Privateer off Sandy Hook: But two French Privateers have taken Station off the Capes of Deleware, where they have taken Seven or Eight prizes; And among the rest a very rich Ship from London, commanded by one Young, who was taken in sight of the Capes; Several of the Merchants of that Place have writ to me to Desire that one of the Men of War that are here, may cruize off their Capes for some Days, to see some of their Vessels safe to sea, who dare not peep out now; The Triton's Prize will sail in two days for that purpose; I hope we shall have a good account of some of the Privateers. Yesterday I had a Message from Albany, from the Commiss^{rs} for managing the Indian Affairs, to desire me to make what haste I cou'd, up to Albany, in order to be there by the fifteenth Instant, which I will do, God willing, unless I am hinder'd by contrary winds; However I will get up as soon as it is possible, thô I did not intend to have gone 'till the end of August, for it is now a hot Season, and this is the hottest Summer I have known since I came into America. I intend to make but a short Stay there; As soon as I return I will acquaint Your Lord^{ps} by the first Opportunity what it is the Indians had to propose to me. This is all I have to trouble you with at this time, only beg leave to subscribe myself,

My Lords

Your Lord^{ps} most faithful humble Servant

New York
July the 1st 1708.

Cornbury.

My Lords.

I had almost forgotten to acquaint Your Lord^{ps} that being in New Jersey longer than I expected this Spring, I sent a Proclamation to the Gentlemen of the Council of New York to adjourn the Assembly of New York; And some days ago upon a Message from Albany relating to the Indians, the Gentlemen of the Council were of opinion that the Assembly ought to be called together to see if they wou'd raise a Fund for some presents for the Indians; I issued a Proclamation requiring their meeting the 25th of this month. Two Days after the Proclamation was issued M^{r} Philips acquainted me that several of the Members of the Assembly had said that they wou'd not meet, because the former Adjournment was by a Proclamation signed in N. Jersey, And that they took themselves to be dissolved; This is a Notion started last year by M^{r} Byerley, when he received an order from me, dated at Burlington, which he had no mind to obey, I did acquaint the late L^{ds} Commiss^{rs} for Trade &^{a} with this matter, and beg'd their opinions, but I have not yet had any answer. I begg I may have Your Lord^{ps} Opinion whether any order signed by me in one Province, is to be of force in the other, or not.

Petition of the Reverend Mr. Kocherthal to the Queen.

[New-York Entries, G. 301.]

To the Queen's Most Excell^{t} Majesty

The Petition of Joshua de Kocherthal High German Minister of the Gospel.

Most humbly Sheweth

That a Petition having of late been presented unto Your Majesty by Your Petitioner, for himself and on the behalf of Eleven persons more, who are lately arrived here from the Palatinate, Your Majesty thereupon was most graciously pleased to order that the matter shou'd be enquired into, in the Council of Your Majesty's Plantations; But no mention being made in the said order about Your Petitioner, and the time for transportation of the said persons drawing near, Your petitioner finds himself obliged with all Submission to represent to Your Majesty that after his arrival in the West Indies, it will be very difficult, if not impossible for your Petitioner to subsist or live upon his own means, or by the assistance of the said persons, who are all very poor People, Unless your Petitioner be upheld and maintained in his Station by a Supporting hand.

Your Petitioner therefore most humbly Prays that Your Majesty will be most graciously pleased to order and Direct that a certain competent Salary may be allowed and paid unto Your Petitioner, whereby he, with his wife, and three children may conveniently subsist and live after their arrival in America.

And whereas Your Majesty has most charitably been pleased to Order that a Sum of Twenty Pounds shou'd be given unto every Minister or Preacher before his Departure to America to buy Cloaths and Books, Your Petitioner also Prays, that the said Sum of Twenty Pounds Sterling, may be paid unto Your Petitioner, in order to provide himself with necessary Books and Convenient Clothing. And your Petit^{r} shall ever pray, &c^{a}

Joshua de Kocherthal.

July 7. 1708.

Report of the Board of Trade on the preceding Petition.

To the Right Honourable M^{r} Secretary Boyle.

S^{r}

In obedience to Her Majesty's Commands, signifyd to us by your reference of the 4th Instant, upon the Petition of Joshua de Kocherthal, the High German Minister, Praying that Her Majesty wou'd be graciously pleased to allow him a Salary, for the better subsistence of himself and family at New York, and that Her Majesty wou'd be pleased to allow him a Salary, for the better subsistance of himself and family at New York, and that Her Majesty wou'd be pleased to order him the sum of twenty pounds before his Departure from hence, for providing himself with Cloaths, and Books, as has been done to other Ministers going to the Plantations; We have considered the same, & thereupon Desire that you will please to lay before Her Majesty,

that we find no precedent of a Salary being settled here upon Foreign Clergymen in the Plantations, Only that at New York the French Minister there has, as we have been Informed, a Salary of £20, or £30 a year paid him out of the Revenue of that Province, But by what order, or how that was done, We do not find. However as the said Kocherthal is very poor, and not capable of maintaining himself, his wife and three children, by his own labour, and that the Lutherans who go over with him are not in a condition to make him any allowance, We humbly offer that Lord Lovelace have Directions to grant to the said Minister a Reasonable portion of land for a glebe, not Exceeding 500 acres, And that he be permitted to sell a suitable Proportion thereof for his better Maintenance, 'till he shall be in a condition to live by the produce of the Rest.

As for the £20 he desires we find that it is usually allowed to English Ministers going into the Plantations and as the said Kocherthal is an object of Her Majesty's Charity, We further humbly Offer that Her Majesty be graciously pleased to allow him the said £20 according to the prayer of his petition. We are

S^r^ Your most humble Servants

HERBERT
PH^P^ MEADOWS
JN^O^ PULTENEY.

Whitehal
July 13^th^ ~~1708~~

Caleb Heathcote, Esq., to the Board of Trade.

[New-York Papers, y. z. Z 30.]

My Lords

This comes chiefly to ask pardon for all the trouble I have given your Lordships in my severall letters relating to Naval Stores. What I aimed at chiefly therein was the service of my nation & I do assure yo^r^ Lordships (notwithstand^g^. I may have been otherways represented) is very dear to me, & w^t^ in the first place I aimed at by my proposals was, to have diverted the Americans from goeing on with their linen and wollen manufactorys, & to have turned their thoughts on such things as might be usefull & beneficiall to Great Britain. They are already so far advanced in their manufactoryes that ¾ of y^e^ linen and wollen they use, is mode amongst 'em; espetially the courser sort, & if some speedy & effectuall ways are not found to putt a stop to it, they will carry it on a great deal further, & perhaps in time very much to the prejudice of our manufactorys at home. I have been discoursed with by some to assist them in setting up a manufactory of fine stuffs, but I have for the present put it by, & will for my own part never be concernd in y^t^ nor any thing of y^t^ nature, but use all the little intrest & skill I have to prevent it. In the second place I hoped & believ'd & am morrally assured, as to myself even beyond a doubt that I could have built & furnished the Crown with all the light frigatts that would have been wanted for this Coast & the West Indies, & that without putting the Crown to a new penny charge, nor do I believe I should have been many years about it. And besides these things I proposed many other very considerable & weighty advantages to Her Majesty and the nation, & that without asking or desireing a farthing more out of the Treasury, but to have done it only by the good husbandry on that which is, has been, & must be, unavoidably expended; but since your Lordships have not thought fitt to

enable me to try the experiment, I am content, & do not send this to presse or urge that matter any further, but to ask Your Lordships pardon for the freedome I have taken, & that I may not have the misfortune to be under yo^{r} Lordships frownes, but have the hon^{r} and happinesse to be, My Lords,

Your Lordships most obedient
humble Servant
CALEB HEATHCOTE.

New York Augst
y^{e} 3^{d} 1708. —

To the Right Hon^{ble} the Lords
Commissioners for Trade and
Plantations. — Whitehall.

Lord Cornbury to the Board of Trade.

[New-York Entries, G. 349.]

To the Right Hon^{ble} The Lords Commiss^{rs} for Trade & Plantations.

My Lords,

Since I wrote to Your Lord^{ps} by the Elizabeth Gally, one Sylvanus Grevill Master, bound from this Port to Bristol, by which I acknowledged the receipt of Your letters of June 1707, I have not been favoured with any letters from Your Lord^{ps} Since that Ship sailed I have been up to Albany, in the hottest Season of the year, which made my Voyage very uneasy, as well as dangerous for health; But having been informed by the Commiss^{rs} for Indian Affairs, that the Sachems of the five Nations had sent them Word, that they wou'd be at Albany by the fifteenth of July, And that they Desired I wou'd meet them at that time, I immediately Ordered a Sloop to be got Ready, and notwithstanding the heat of the weather, which was excessive (it being the hottest Summer I have yet felt since I came into America) I got to Albany on the Sixteenth day of July, none of the Sachems were then come, but the next day one Kunasore who is the Chief Sachem of the Onondages, and Caquaquinny one of the Chief Sachems of the Oneides, with three other Indians came to town, and hearing that I was there came to me, and told me that they came to bid me welcome to Albany; That they had no business, but came only to Trade; I asked them where the rest of the Sachems there, they told me they were busy in making Canoes, at a place which they named, and is a hundred and Sixty miles from the first of the Mohacks Castles, consequently two hundred Miles from the town of Albany; I asked them if they knew when the Sachems intended to be at Albany, and if they knew of a Message the Sachems had sent to the Commiss^{rs} for the Indian Affairs, they said they did believe the Sachems did intend to be at Albany in a month's time, but they were not sure; that they had heard that the Mohacks had sent a Message to the Commiss^{rs} but that they did not know of any time Appointed for their coming; I desired them to send one of their Young men to the Sachems, to know when they wou'd come, which they did, and he being returned, told me that the Sachems were at work upon their Canoes, and that they cou'd not come 'till they had finished them, which wou'd be about a Month; Upon that I resolv'd to return to New York, where the Assembly were to meet upon the 18th of August; But I must acquaint Your

Lord^{ps} that during my stay at Albany, twelve of the far Nations of Indians came to trade with our people; There are two Nations of them who are called Twigtwicks and Dionondadees; the nearest of their Castles is Eight hundred Miles from Albany; I have been these five Years endeavouring to get these nations to trade with our people, but the French have always Dissuaded them from coming 'till this year; And this year, Goods being very scarce, they came to Albany, where our people have supplied them with goods much cheaper than ever the French did, and they have promised me to return in Spring, with a much greater number of their nations, which will be a very great advantage to this Province. I did in a letter of the 25th day of June last, inform Your Lord^{ps} that three French Souldiers, who had deserted from the French at a place called by them Le Destroit, were come to Albany, another Deserter came from the same place, whom I examin'd myself, and I send here Inclosed a copy of his Examination, by which Your Lord^{ps} will perceive how easily the French may be beaten out of Canada; I did send a Proposal for that purpose to the late Lords Commiss^{rs} for Trade and Plantations in the year 1702; The better I am acquainted with this Country and the more I enquire into Matters, so much the more I am confirmed in my opinion of the facility of effecting that Conquest, and by the Method I then proposed, to which I refer; The Advantages that would attend that matter ar very many, and particularly this that Newfoundland will be a very easy conquest after Canada is reduced; What an advantage the having all Newfoundland would be to England I believe every body sensible of, and that that wou'd be the certain consequence of reducing Canada is most true; Besides this Deserter there is come to Albany one Montour, who is the son of a French Gentleman, who came above forty Years ago to settle in Canada; he had to do with an Indian woman by whom he had a son and two Daughters; The man I mention is the son, he had lived all along like an Indian, some time ago he left the French, and had lived among the farr Indians, and it is cheifly by his means, that I have prevailed with those farr nations to come to Albany; he has given me the same account that the Deserter did; The Regular forces in Canada consist of Eight and twenty Companies of foot; At their first coming they were fiftys, but now by death and desertion the strongest of them is but two and twenty, some sixteen, most of them twelve or fourteen; Canada is now governed by one Monsieur De Vandreuil, under him one Monsieur de Ramsay commands at Montreal, which is the upper part of Canada, in which the whole number of men does not exceed Eight Hundred; Quebec which is the lowest part, and much the larger part of Canada, has near three thousand men in all, so that the whole strength of Canada does not amount to five thousand men including the regular forces; Quebec is fortified with Sodd work, but now they have begun to fortify it with Stone; they do it by Degrees, every year some, so that if they are not disturbed, in four or five years they will have finished their work, which will make the reducing that place much more difficult than it is now.

I have often by letters informed the late Lords Commiss^{rs} for Trade and Plantations, of the necessity of having Presents sent over from England for the five nations of Indians; without which it is impossible to keep them firm to the Crown of England; They have had no presents since the first year that I came hither, which is above six years ago; I have proposed it to the Assembly which is now sitting to raise a Fund for presents for them this fall; I can't yet tell if I shall prevail with them or not, but if they do not raise such a Fund, I am afraid we shall loose the Indians before next summer; I have Endeavoured to convince them of the necessity of the thing, therefore I am in hopes they will do it; About four hundred

pounds Sterling well laid out, every other Year in England, wou'd furnish Presents enough to keep the Indians firm to the Interest of England, and I don't at all question but if that were allowed, I cou'd debauch a great many of the French Indians from them. I entreat Your Lord^{ps} will please to recommend this matter so effectually to My Lord High Treasurer, that it may be obtained. I was in hopes to have sent you by this conveyance the Minutes of Council & Assembly, from the time of my Arrival in this Province, but the Clerks have not been able to get them ready, the Virginia Fleet sailing so much sooner than was Expected, but as soon as possibly they can be done, they shall be transmitted to Your Lord^{ps} by the first Opportunity that Offers. In the mean time I am, My Lords

Your Lord^{ps} most faithful
humble Servant

New York August 20th 1708 CORNBURY.

Lord Cornbury to the Board of Trade.

[New-York Entries, G. 357.]

To the R^{t} Hon^{ble} The Lords Commiss^{rs} for Trade & Plantations.

My Lords.

I trouble Your Lord^{ps} with these few lines to acquaint you, that the great abuses committed in the neighbouring Colonies upon the Spanish Coin allowed to be current here to that degree that it is generally Diminished above one third of the Value, have Obliged the Assembly now sitting, to pass an Act for Regulating and preventing the Corruption of the Current Coin, which I herewith send you, And intreat Your Lord^{ps} to use Your best Endeavours to Obtain the Royal Assent for this Act, which I know to be of the utmost consequence to this Province, and without which it must be ruined; I likewise send Your Lord^{ps} an Address signed by my self, all the gentlemen of the Oouncil that were in town, and all the members of the Assembly that were in town; I am desired by them all to Desire Your Lord^{ps} to lay it before Her Majesty, with the Acts to which it relates. I am obliged in justice to the people of this place, to assure Your Lord^{ps} that the Address contains the Truth, and that the Inconveniencies therein mentioned, will most certainly attend this province, unless Her Majesty is graciously pleased to confirm the Act passed here; I begg the favour of Your Lord^{ps} that I may hear what Her Majesty's pleasure is as soon as possible because the Act of Parliament of Great Britain is to take place in these Parts the first of May next. I am with great Respect,

My Lords, Your Lord^{ps}
Most faithful humb^{e} Servant

New York
Octob^{r} 18th 1708 CORNBURY.

Lord Lovelace to the Board of Trade.

[New-York Entries, G. 365.]

To the R^t^ Hon^ble^ the Lords Commiss^rs^ for Trade & Plantations.

My Lords.

I do myself the honour to acquaint Your Lord^ps^ that I very happily arrived here this morning, having been nine weeks and Odd days in my passage; The Kingsale in which I came being seperated from the Fleet, got into Buzard's Bay in New England, and getting Pilots there gained our Passage through the Sound between Long Island and the Main, and landed at Flushing. I do not yet hear of the arrival of any Other Ship of our Fleet except the Unity, which struck on the bank at Sandy Hook; She was left by all her Seasem [Seamen] but has since got off and is gone to sea again: We have not since heard of her, but hope she is safe, having two good Pilots from hence on Board. Our Winter sets in very hard, the Ports and Rivers are full of Ice, I am in pain for the Germans and Recruits on board the Globe they wanting Water, and the Weather not permitting us to assist them. This Coast is so terrible in the Winter I think no Ship ought to be sent hither from England after August at farthest; Our poor Seamen were so benumned with Cold, that at last we had but twenty five men fit to do any Duty, and had not the Soldiers, which we had on board, assisted, the Ship had been in great danger. I shall take Care to send the Dispatches I have for the several Governors on the Continent, and to conform myself to the several Instructions I have received from Your Lordships, being with great respect, Your Lord^ps'^

Most faithful humble Serv^t^

New York
December 18^th^ 1708

LOVELACE.

Report of the Board of Trade on the New-York Act regulating Foreign Coin.

[New-York Entries, G. 359.]

To the QUEEN'S MOST EXCELL^t^ MAJESTY.

May it Please Your Majesty

Having received a letter from the L^d^ Cornbury, late Governor of Your Majesty's Province of New York, Dated the 18^th^ of October 1708, transmitting to us an *Act* of Assembly lately passed there, *for regulating and preventing the Corruption of the Current Coin.* As also an Address from his Lordship the Council & Assembly of that Province to Your Majesty, setting forth their reasons for having passed the said Act, We humbly take leave to lay the same before Your Majesty, and thereupon to Represent.

That Foreign Coins are by this Act of Assembly raised to a higher rate than at which they are allowed to be Current by the Act passed here, the last Session of Parliament, entituled, *An Act for Ascertaining the rates of Foreign Coins in Her Majesty's Plantations in America*, And we take leave to Instance in One particular, viz^t^ All Spanish Coins of Mexico, Sevill & Pillar,

are not to pass at less than Eight Shillings the Ounce Troy, Whereas according to the Proportion Settled by the foresaid Act of Parliament the Ounce Troy ought to be but Six Shillings and ten pence farthing.

Upon this Occasion we cannot but observe that the Lord Cornbury in giving his Assent to this New-York law, has acted contrary to his Instructions, whereby he is required "Not to " permit any Act of Assembly to pass for altering the price or value of the Current Coin " within this Government, without Your Majesty's particular leave or Direction for the same."

Thô in the fore mentioned Act of Parliament there be a clause in the Words following " Provided also, and it is hereby further Declared, that nothing in this Act contained shall " Extend, or be construed to Restrain Her Majesty from regulating & Regulating[1] the Several " Rates of the said Species of Foreign Silver Coins, within any of the said Colonies or " Plantations, in such other manner, and according to such other rates and Proportions as Her " Majesty by Her Royal Proclamation for that purpose to be issued, shall from time to time " judge proper an necessary, or from giving Her Royal Assent to any Law hereafter to be " made in any of the said Colonies or Plantations for settling and ascertaining the current rates " of such coins, within the said Colonies or Plantations; But that such further Regulations " may be made, and such assent given in as full and ample manner, to all intents & purposes as " the same might have been done in case the Act had not been made, & no otherwise; anything " herein before contained to the contrary hereof in any wise notwithstanding;" Yet the Intent of the said law was, that there shoud be but one and the same value of the same species of Foreign Coins throughout all Your Majesty's Plantations in America.

When Your Majesty's Royal Proclamation for settling the Rates of Foreign Coins was sent over to New York, in the year 1704, the Complaints then made by that Government were, that if the said Proclamation was duly put in Execution at New York, that Province wou'd suffer very much thereby, for that the Neighbouring Provinces of the Massachusetts Bay and Pennsylvania did not pay any obedience thereunto, and therefore the Lord Cornbury suspended the Execution of the said Proclamation within his Government, but they did not then make any Objection to the Rates at which Your Majesty was pleased to order the said Coins to pass.

We further humbly offer that shou'd this New York Act be confirmed by Your Majesty, it may reasonably be presumed the other Plantations will also get laws of the like nature, & thereby raise the Value of such Coins as they shall think most to their particular advantage which method wou'd entirely defeat the Intent of the foresaid Act passed here the last Session of Parliament, and bring the Plantations under the same Inconveniences as formerly. Whereupon for prevention thereof, We are humbly of Opinion that Your Majesty be pleased to signify Your Disallowance and Disepprobation of the fore mentioned New York Act.

Which is most humbly submitted

STAMFORD
PHI. MEADOWS
JN° PULTENEY
ROB[t] MONCKTON
CHA. TURNER.

Whitehal
February the 22[d] 170[8/9]

[1] *Sic* in MS.—ED.

Petition of Roger Mompesson, Esq., Chief Justice of New-York.

[New-York Papers, y. z. Z 38.]

To the R^t^ Hon^ble^ the Lords of Trade and Plantations

The humble Petition of Roger Mompesson of New York in America.

Humbly Sheweth:—

That His Royall Highness the Prince by Comission under the seal of the High Court of Admiralty of England bearing date the first day of Aprill 1703 did constitute the said Roger Mompesson Judge of the Court of Admiralty of the Province of New York in America &^c^ with all fees and perquisites &^c^ That upon his arrivall at New York he found that in that & the neighbouring Colonys the fees usually taken by the Judge of the s^d^ Courts of Admiralty were seaven pounds p^r^ Cent on every Condemnation, that afterwards upon his own motion to the Lord Cornbury then Captain Generall Governor & Vice Admirall of the said Province, his Lordship with the advice of Her Maj^ties^ Councill there, was pleased to reduce the seven pounds p^r^ C^t^ to five pounds p^r^ C^t^ but on or about the twelfth of April 1705, his Lordship with the advice of the said Councill did in lieu of fees then and formerly taken by the officers of the s^d^ Court of Admiralty establish certain sallarys on them to commence from the 25^th^ of March then past, whereof the Judge was to receive two hundred pounds p^r^ annum Curr^t^ money of New York; which sallarys were made payable out of Her Ma^ties^ revenues there.

That the said Roger Mompesson hath duly executed that office ever since till the present 26^th^ of Feb^y^ 170$\frac{8}{9}$. and has Warr^ts^ for his sallary according to the said Establishm^t^. But he has rec^d^ only three Quart^rs^ Sallary so there remains due unto him six hundred pounds, according to the said Establishm^t^ and warrants; That upon the decease of D^r^ Bridges formerly Chief Justice of this Province, the said Lord Cornbury then Governor &^c^ about the fifteenth of July 1704 by Cômission und^r^ the Great Seal of the said Province did constitute the said Roger Mompesson Cheif Justice of the said Province and soon after acquainted the then Lords of Trade & Plantations therewith, for their Lordships approbation and likewise for obtaining Her Majestys royall approbation, to which by letter of their Lordships to the Lord Cornbury dated at Whitehall March the 26^th^ 170$\frac{4}{5}$ their Lordships gave this answer.—"As to M^r^ Mompessons "being Cheif Justice in the room of D^r^ Bridges deceased, wee doe not doubt but that he will "answer the character you give of him and the expectation you have that he will discharge "his duty; but doe not think it needfull to apply to the Queen for her confirmation not "judging it to be of use to your Lordship or advantage to him, since by the Cômission given "by your Lordship he is actually Cheif Justice and instituted to the proffitts appertaining to "to that office." That about the second of October 1704 the said Lord Cornbury did by Cômission under the Great Seal of the Province of New Jersey constitute the said Mompesson Cheif Justice of that Province, and by letter acquainted the Lords of Trade and Plantations therewith and recommend him for their Lordships approbation and Her Ma^tie's^ Royall confirmation; to which their Lordships gave no other answer but referred his Lordship to their former letter of 26 March afore mentioned. Hereupon the said Roger Mompesson desisted from farther sollicitation for Her Ma^ties^ Confirmation of the said Cômissions; and discontinuing his practice as Barrister at Law which was much more beneficiall to him than both the Sallarys attending the said Cômissions, the same being but one hundred and thirty pounds p^r^ Annum each, New York money, hopeing that Her Maj^tie^ would be graciously pleased to make some

allowance from the Exchequer in England as had been formerly done took on him the execution of the said offices and hath duely and faithfully discharged his duty therein and hath brought the Courts of the said Provinces more formible to the practice of Westminster Hall than any other in Her Ma^ties^ Plantations in America, and there is due unto him for the same from the Province of New Jersey two hundred sixty pounds being two year's sallary, and from the Province of New York one year and a quarter's sallary one hundred sixty-five pounds & ten shillings, for which said sums the said Roger Mompesson hath warrants on Her Ma^ties^ Revenue there; but the Revenue in New Jersey is long since expired, and the revenue of New York is limitted but till the eighteenth of May next, and there seems very little tendency in the people of either Province to pay the debts of the same; so that the said Roger Mompesson is in danger of loosing all or the greater part of the said sûms soe due to him as aforesaid, amounting in the whole to the sum of One thousand and twenty-two pounds, ten shillings; and the said Roger Mompesson is in danger of being superseded from his said offices of Cheif Justice for want of Her Ma^ties^ Confirmation, which was occasioned by the letter before mencôned.

Your Petition^r^ therefore most humbly prays your Lordships to recômend him to Her Maj^tie^ for her royall approbation & confirmation of him in his said offices, so that Warrants may be granted for new passing the said Cômissions und^r^ the Seals of each Province.

And your Petitioner shall ever pray &^c^

(signed) Roger Mompesson.

(Indorsed) "Petition from M^r^ Roger Mompesson Cheif Justice
"in New York; praying that he may be continued
"in that Employ &^c^ Rec^d^ from M^r^ Goff.
"Rec^d^ 7 July
"Read 27 D^o^ 1709."

The Queen to Lord Lovelace, directing an Expedition against Canada.

[New-York Papers, VI. No. 25.]

Right Trusty and Welbeloved We greet you well. Whereas we are fitting out an expedition with great expence for the security of our subjects in your government, from the neighbourhood of the French in Canada, which has been very troublesome to them of late years, according to certain proposals laid before Us by our Trusty and Welbeloved Côll. Vetch, and pursuant to the many applications that have been made to Us by our subjects, who have suffered very much from the French in that neighbourhood, We do hereby strictly require and command you to be assisting to this our expedition, after the manner that the said Côll. Vetch shall[1] propose to you, and that you look upon those parts of his instructions[2] which relate to you and to our governments under your care, and which We have ordered him to communicate to you in the same manner as if

[1] "Shall *in our name* propose", &c. *New-York Council Minutes*, X., 351.—Ed.

[2] These Instructions are in *New-York Council Minutes*, X., 347.—Ed.

they were our positive commands directed to your self, and that you pay the same obedience to them.

And whereas there may be some particulars in our above mentioned instructions as that of the place of rendezvous, w^ch^ you live in the Country may be the most proper judge of, We do therefore leave this and other the like circumstances to be altered at discretion [as our service shall require]; provided that Col. Vetch and Col. Nicholson do concur with you in any such alteration, and provided that you punctually [and exactly] observe the number of men which you are to raise[1] and the time when they are to appear and be in readiness to enter on the expedition. And so We bid you farewell. Given at our Court at S^t^ James's y^e^ 1^st^ of March 170$\frac{8}{9}$. and of our reign the 7^th^ year.

The like letter of the same date (with the omission of the last paragraph) to the Govern^rs^ of New England, Road Island, Connecticut & Pensilvania.

Veto of the Act passed by the New-York Legislature for regulating the Current Coin.

[New-York Papers, y. z. Z 34.]

At the Court at S^t^ James's the 3^d^ of March 1708.

PRESENT.— The QUEENS MOST EXCELLENT MAJESTY in Councill

WHEREAS by Commission under the Great Seal of England the Governor Councill and Assembly of Her Ma^ts^ Province of New York are impowered to make constitute and ordain laws statutes and ordinances for the publick peace welfare and good government of the said Province; which laws statutes and ordinances are to be as near as conveniently may be agreeable to the laws and statutes of this Kingdom, and are to be transmitted to her Majesty for her Royall approbation or disallowances of them. And whereas the Lords Commissioners of Trade and Plantations have made an humble representation to Her Majesty setting for[th] their reasons why an Act of Assembly lately past at New York entituled An Act for Regulating and Preventing the Corruption of the Currant Coin, should be repealed and set aside; Her Majesty upon consideration thereof has been pleased with the advice of Her Privy Councill to declare her disallowance and disapprobation of the aforesaid Act of Assembly, entituled an Act for Regulating and Preventing the corruption of the Currant Coin. And pursuant to Her Ma^ts^ pleasure thereupon the said Act is hereby repealed and declared voyd and of none effect.

A true Copy

(signed) WILLIAM BLATHWAYT.

[1] "You are to *furnish*". *New-York Council Minutes*, X., 352. In which copy the words within brackets are omitted, and the date is 28th of February.—ED.

Board of Trade to Lord Lovelace.

[New-York Entries, G. 363.]

To the Right honourable The Lord Lovelace.

My Lord.

Whereas the Production of the Several Sorts of Naval Stores in Her Majestys Plantations in America has been thought so highly Advantagious to this Kingdom, that an Act of Parliament was past in the third & fourth Years of Her Majesty's Reign (which has been deliver'd to Your Lord^{p}) allowing a premium to all Persons as shall import such Stores to this Kingdom, as are of the growth and produce of the said Plantations, And thô the said premium (as particularized in the Act) be a considerable Incouragement to the Importers, as likewise to the Inhabitants in the several plantations, to Apply themselves to the Production of the said stores there, Yet that there may be nothing wanting whereby so good a work may be further Incouraged and Promoted; We Desire your Lord^{p} will consult with the Persons chiefly concerned and most knowing in these matters in the Provinces of New York and New Jersey, under your Government, and then that Your Lord^{p} will let us know what you may have to propose upon this Subject, particularly with regard to the making of Pitch and Tarr, and to the furnishing Her Majesty's Navy and this Kingdom with Masts; We further Desire your Lord^{p} to consider of a proper Method for preserving the Masts and Timber in the Woods, that are fit for the use of Her Majesty's Royal Navy.

Her Majesty having been pleased by Her Order in Council of the 3^{d} Instant to Repeal an Act past at New York, Entituled, *An Act for Regulating and preventing the corruption of the Current Coin*, We send Your Lord^{p} the said Order here inclosed, which you are to cause to be publish'd & Entred in the Council Books as usual; And that Your Lord^{p} may know what has induced Her Majesty to Repeal the said Act, We likewise Inclose to Your Lord^{p} a Paper containing some of the Reasons that were Offered to Her Majesty upon that Subject. We are,

My Lord,

Your Lord$^{p's}$ most humble Serv^{ts}

Stamford
Ph. Meadows
Rob^{t} Monckton.
Cha. Turner.

Whitehal
March the 28th 1709

Lord Sunderland to Lord Lovelace.

[New-York Papers, VI. No. 26.]

Whitehall 28 Ap^{ll} 1709

My Lord

Her Maj^{ty} designing to fitt out an expedition for the reduction of Canada and Newfoundland according to some proposals made by Coll. Vetch, to whom Her Majesty has given instructions at length, with orders to communicate them to your Lordship as also to deliver a letter from her Maj^{ty} enjoining you to assist in the said expedition after the manner prescribed in the

aforesaid instructions; Her Majty has ordered me to signifye to you her aforsaid pleasure by another vessell, that in case the ship which carrys Coll. Vetch should not reach you soon enough, or miscarry in the voyage, Her Majtys service may not suffer by any such delay or misfortune. I therefore send you the inclosed copy of Coll. Vetches instructions, to which her Majesty expects that you should shew a ready and punctual complyance so farr forth as they relate to you and the government under your care.

In case therefore that you should receive the inclosed instructions before the arrival of Coll. Vetch it is her Matys pleasure that immediately upon the receipt of them you dispatch an expresse to the sevll Governours of Pensilvania and Connecticut, to meet you with all expedition at New York, and that you consult with them on the most proper & effectuall methods for executing the inclosed instructions. And because it may be necessary to inform you of sevll particulars which Coll Vetch will give you an account of, if he arrive soon enough, Her Majty is pleased that I should give you further light into the intended expedition than what you receive from the inclosed instructions, and which will be unnecessary if Coll. Vetch arrive soon enough to transact this affair with you; and I must signify to you her Majtys pleasure that you pay the same obedience to any directions hereafter mentioned as if they were a part of the aforesaid instructions.

It is resolved to attack at the same time both Quebeck and Montreal, the first by sea & the second over the Lake from Albany, with a body of 1500 men who are to be raised and armed, as you will see in the inclosed instructions. Her Majesty is now fitting out her Commander Chief of the said expedition, with a squadron of ships and five Regiments of the regular troops, who are to be at Boston by the middle of May and there to be joined with 1200 of the best men of New England and Road Island. They are then to sail with all expedition to attack Quebeck, being provided with Engineers, bomb vessells, and all sorts of artillery for such an enterprise. At the same time the 1500 men from Albany, under the command of one whom you shall appoint, are to make the best of their way to Montreal, which place they are to attack, and if possible to reduce to Her Majtys obedience.

You are to concert with the abovementioned Governrs of Pensylvania and Connecticut the most easy and expeditious way of providing at Albany by the middle of May or sooner three month's provisions for your respective Quotas of men; which provisions you are to lodge in a large wooden store house, as you will see in the aforesaid instructions, to which I must add that you are immediately to order one half of the regular Companys with as many of the Country troops as you shall think sufficient to cover the workmen that shall be employed on the said storehouse, and to guard the stores that are to be laid in it.

In your nogotiations with the Five Nations and River Indians, you are to employ such as you think have the most influence on them, and in particular Coll. Schyler, unlesse you have any objections against him, who, as her Majty has been informed is very well qualifyed for her service & particularly known in these parts; for which reason he is likewise thought a very proper person to be employed in the expedition, and to be consulted with on the best methods of corresponding by Indian messengers over land with the expedition which is to go by sea to Quebeck; with which methods you are to acquaint her Majestys Commander in Cheif by letters as soon as he arrives at Boston.

You are likewise to find out some of the most sensible Indians that you can confide in, whom you are immediately to send both to Quebec & Montreal to bring the best accounts they can get of the numbers fortifications stores and provisions that are in the said places; for which

you are to reward them as they deserve, and transmit to the Commander in Cheif of the Expeditions such informations as they or any other persons shall be able to give you of the said places. You are also to acquaint the Command^{r} of the Troops which are to march from Albany, that he is to obey all such orders as he shall receive from time to time from her Maj^{tys} afores^{d} Command^{r} in Cheif of the expedition.

And in case the abovementioned 1500 men cannot make themselves masters of Montreal for any force of artillery, they shall endeavour to block them up so as to cut off all communication between that place & Quebeck, and if her Majestys Troops can make themselves masters of Quebeck, the Commander in Cheif will with all possible expedition send a reinforcem^{t} of the troops with him to assist in the reduction of Montreal.

The pacquet in which this goes being directed, in absence of Coll. Vetch, to your Lordship, as soon as it comes to your hands you are to forward with all diligence the dispatches for the other Governours. I am &^{ca}

SUNDERLAND.

Board of Trade to the Queen on the Right of Sovereignty over the Five Nations.

[Plantation General Entries, XXXVII. (D) 308.]

2 June 1709.

[EXTRACT.] In relation to New Yorke, and it's Dependences.

Your Majesty's title to that Province is not disputed: But as the French have without any just right pretended to the Soveraignty over the five Nations of Indians bordering upon New Yorke, We humbly beg leave to annex a deduction of your Majesty's Right and Title to the Soveraignty over the said Indians marked J. As the same was prepared by the then Commissioners for Trade and Plantations in July 1697, for his late Majesty's Plenipotentiaries then at the Hague; and have added thereunto an Account of the proceedings between the late Earl of Bellomont and the French Governor of Canada upon that Subject. We have likewise added the Copy of a memorial from Colonel Bayard and an affidavit of William Teller, transmitted by the said Earl, proving the constant subjection and dependance of the said five Nations upon the Government of New York, ever since the first settlement of that Country by the Dutch, in or about the year 1609 or 1610, marked K, and L,[1] by which memorials and affidavits, all the pretentions of the French to any Right over the said Indians, seem to us to be fully answered and made void.

This matter we thought of such consequence as to deserve to be laid before your Majesty for your Royall consideration, it being our humble opinion that it is absolutely necessary for the security of the Province of New York, and the rest of your Majesty's Dominions in that part of America that the five Nations of Indians be preserved and maintained in their subjection to the Crown of Great Britain as formerly.

We shall only take leave to add, that since the Lord Cornburys Government of New York, (as we have been informed) an agreement was concluded by his Lordship with the Governor of Canada, for a Neutrality between the said forementioned five Nations and the

[1] For these papers, see preceding Volume. — ED.

French, and their Indians of Canada, for a Neutrality between the said forementioned five Nations and the French, and their Indians of Canada; which has been of great prejudice to your Majesty's Government in New England, as will more fully appear by the foresaid paper, marked D,

Memorial of the Right of the British Crown over the New-York Indians.

A memorial prepared by the Commissioners of Trade and Plantations in 1697, relating to the Right of the Crown of Great Britain, to the Sovereignty over the five Nations of Indians bordering upon the Province of New York.

2 June 1709

From the first settlement of the Colony of New York (which we take to have been about the year 1610) the five Nations of Indians commonly known by the names of Maquoas, Oneydes, Cayouges, Onondagues and Seneques, possessing the Lands to the Westward, and North West of that Plantation, have by many acknowledgments submissions, leagues or agreements, been united to, or depended on that Colony.

The said five Nations being the most warlike in those parts of the world, held all their neighbouring Indians in a manner of Tributary subjection, they went sometimes as far as the South Sea, the North West Passage and Florida, to war, and extended also their conquests over that part of the Country now called Canada.

The French haveing endeavoured fruitlesly to draw them into their interests by sending severall Missionary Priests among them (from whence they pretend to derive their Ancientest Title to that county, and extend it even as far as the Bay of Mexico) did about forty years agoe make an attempt to reduce them by force, many of those Indians being then abroad at war as far as Cape Florida; but the French were constrained by the extreamity of cold weather and want of Provisions, to return without effecting any thing, and escaped hardly from the pursuit of the Indians that were at home.

Some time after this, a trading French man, under pretence of mending the Indians arms, obtained leave of those five Nations to set up a small house and a shop for that purpose, at a place called Cadaraqui, near the East entrance of a large lake of the same name; and about the year 1680 (according to the best account we have) the French built a Stone Fort at the same Place.

The better to intercept others, and secure to themselves the Beaver Trade, the French also built severall other Forts, one especially more Southward and further into the Country at a place called Onyagra, it being the most usual and convenient pass by which the Indian Traders and Hunters for Beavers and Peltry in the Inland Country (westward from the European Plantations) made their Road and Course to bring their furs to a market.

In the year 1684, upon notice that Mons^{r} De la Barre, then Governor of Canada was come down to Cadaraqui, with intent to fall upon the Indians; Colonel Dungan, then Governor of New York, writ to him that those Indians are the King of Englands subjects, and also sent the

then Duke of Yorks arms to be set up in every one of the Indians Castles as far as Oneygra, which was accordingly done and thereupon Monsr De la Barre retired.

In or about the year 1685, Colonell Dungan the Governor of New York sent one Roseboom an inhabitant of Albany, with ten or twelve men to invite the Ottawawas (a people on the back of Maryland, Virginia and Carolina) to come and Trade at Albany.

The next year one Magregory by order and direction of the same Governor with a Company of Traders from the Colony of New York to the number of about 60, furnished with store of Goods went to traffick with the same Indians; but on the Lake near their Country, were surprized and overpower'd by the French who made and kept them prisoners and confiscated their goods.

Soon after, the Marqs de Denonville, Governor of Canada made an incursion into the Country of the five Nations, but they being supported and assisted by the English of New York, he returned back with loss, having done nothing considerable.

Upon this a new War broke out and those Indians made divers inroads into Canada block'd up the Fort of Onyagra and starved the French Garrison in it; so that a Priest was the only man that survived, and cutting all communication between the French and their Fort at Cadaraqui forced the Garrison (about the begining of this present war with France) to quit that place; In doing which the French blew up one of the bastions, and left the rest entire, which with a quantity of amûnition, came into the Indians possession.

In or about the month of February 1689, the French of Canada in the night surprized and took the town of Schenectedy inhabited by the English, situate about 20 miles from Albany, put to the sword and made prisoners most of the inhabitants burnt the town and (after less than 24 hours possession) left it.

In the summer of the year 1690, some English and Indian forces met to the Northward of Albany, with intention to fall upon Port Royal or parts of Canada adjacent, but the season of the year being too far past, Canoes for their transportation over the Lakes could not be made; and they returned without doing any thing: only one John Schuyler commanding a party of Indians went then to Canada, committed some spoils there and returned.

The next year in the summer, Peter Schuyler then Mayor of Albany with a party of men went to Canada, with design to surprized a small Fort there; But the French having advice of his coming, were prepared: however they cut a party of the French Indians, that lay near their works, drove them back upon several salleys they made from the Fort and in their return, made their way through a party of French, who lay to cut off their passage, and came back without any considerable loss.

In February 1692, the French surprized one of the Maquoas Forts and took several of them prisoners; but on the coming of a party, from Albany up to them, and Colonel Fletchers arrival at Schenectedy, with forces from other parts of the Colony, after a small dispute in which was some loss on both sides they retired with precipitation and set most of the prisoners at liberty.

In the year 1695, the French possess'd themselves of the Fort of Cadaraqui

In 1696 the French of Canada under Count Frontenac made an incursion into the lands of the 5 Nations and destroy'd some of their Castles: but upon notice of Colonel Fletchers coming to Albany, with a Detachment, turned back to Canada.

Upon the Earl of Bellomonts arrival at New York in April 1698, one of his first cares was to send two Gentlemen with letters to the Governor of Canada, acquainting him with the Peace, and enclosing to him the Articles thereof, at the same time his Lordship also returned

the French prisoners that he had found in the hands of the English, promissing to do the same with those that should be found amongst our Indians, and demanding in like manner the release and return of all his Majesty's subjects both Indians and Christians that were in the hands of the French.

In answer whereunto his Lordship received an account from the Gentlemen he sent to Canada, that the Count de Frontenac had caused all the English prisoners there, both male and female, to be brought before them but that all of them (except two or three) refused to return; upon which the being reduced to insist upon the delivery of Children under 14 years of age; that was granted to them thô with great reluctancy But as for the Indian prisoners of the 5 Nations the Count de Frontenac refused to deliver them pretending to have been already upon a Traty with some of those Indians themselves who had left an hostage with him and promissed that other Deputies should be sent to him from the 5 Nations to conclude their Peace, and exchange their prisoners, which he accordingly expected and would not therefore treat with the Earl of Bellomont or any persons deputed by him, upon that subject; Unto which after those Gentlemen had answer'd that the Indians with whom he pretended to have Treated, were not sent, but positively disavowed by all ther Bretheren; He then insisted much upon the French right to the Soveraignty over those 5 Nations and notwithstanding all arguments and to the contrary persisted in refusing to deliver their prisoners otherwise than to their own Deputies for which he said His orders were so precise that he could not recede from them until he had received others; And that the two Kings had either agreed the difficulties that are in those matters at home or sent Commissioners to determine them upon the place, The Count de Frontenac himself writ to the Earl of Bellomont to the same purpose.

Some while after this (Viz^{t} in the month of July 1698 his Lordship went up to Albany to meet the 5 Nations of Indians and renew their dependance or Covenant Chain (as they are used to express themselves) he found them very sullen and cold being under much discontent by reason of their sufferings during the war, for the want of necessary succours and the loss of ninety four of their men taken by the French and their Indians since [they] had notice of the peace: But after much kindness shewn them and an extraordinary present, they made full expressions of their satisfaction, and promised to remain firm in their former dependance

In the month of August 1698, his Lordship being returned to New York, received an express from the Onondage Indians (one of the 5 Nations) signifying that the Count de Frontenac had refused to deliver up some prisoners of their Nation to their own Messengers because there came not Deputies to him at the same time from the others sending word further to them and the Seneques, Cayouges and Oneydes (whom he seems to look upon as less tyed to the English interest than the Mohacqs) that if they did not each of them send one of their principal men or Sachems to Treat and conclude a peace with him at Canada in 45 days he would come in an hostile manner and compel them. Upon which advice the Earl of Bellomont sent the Mayor of Albany to a meeting of the 5 Nations at Onondage to assure them of succour in case they were invaded by the French and thereby to keep them steady to the English interest.

Upon this occasion his Lordship sent also his Lieutenant Governor, with a Company of Foot to Albany, that he might be near at hand in case of need and at the same time he also sent an express to the Count de Frontenac, with a letter expostulating this matter with him, and setting forth the consequences of such proceedings which would oblige him to oppose force with force.

Colonel Nicholson and Colonel Vetch to the Lords of Trade.

[New-York Entries, G. 370.]

To the R^t^ Hon^ble^ The Lords Commiss^rs^ for Trade & Plantations.

My Lords,

We cou'd not but judge it our Duty to acquaint Your Lord^ps^ of our safe arrival here and in short of the success hitherto of our Negotiation, which Your Lord^p^ contributed so heartily Your endeavours for advancing; We have met with the wished for success in all Governments who are concerned in the same, save those of the Jerseys and Pennsylvania the first of which has one half of its Assembly Quakers, and the latter the whole number is almost so, whose pretended principles being against Fighting, they have not as yet rais'd either men or money for the Expedition, and indeed as their principles are inconsistent with Government, so their practice is to Oppose all good Order, and Especially any Directions from the Crown, as we have but too Visibly seen at this time, for which reason we have joyned with the gentlemen of the Council and Assembly of the Jerseys, who are not quakers, in Representing to Her Majesty the necessity of giving an Instruction to Her Governors not to admit any into the Council or Assemblies but such as Qualify themselves as the Act of Parliam^t^ directs; This we doubt not Your Lord^ps^ will think fitt to advise Her Majesty to do, when it comes before you, as likewise to advise Her Majesty to proper Methods with relation to Pennsylvania, who have wholly refused Her Majesty's Commands. And tho' we hope they shall not be able to abstract this noble Enterprise, the Success of which we doubt not will be attended with such consequences as will sufficiently convince both Your Lord^ps^ and the Ministry, that Nothing cou'd have been enterprized which cou'd have contributed so much to the honour and Advantage of the Crown and Subjects of Britain, than this present Expedition, which the Quakers have not been wanting to their power to obstruct. This we judged it our Duty with all submission to Your Lord^ps^ consummate wisdom, humbly to advise You of. Who are with all possible respect.

My Lords, Your Lord^ps^
most devoted humble Servants

New York
June 28^th^ 1709.

Fran. Nicholson
Sam. Vetch.

Colonel Vetch to Mr. Secretary Boyle.

[New-York Papers, VI. No. 30.]

Right Honourable.

I would not so far neglect my duty and the many obligations I ly under to you, as not to tender the most gratefull acknowledgments of the same to you, by those few lines you will see by the journall of my transactions since I landed in America, transmitted herewith to my Lord Sunderland, that I have at least made good all if not more than I proposed to your Lordship and the Ministry, though not without a vast fatigue and a great expence, which I doubt not your Lordship and the rest of the Ministry will be pleased to consider off which have

wrote the Duke of Queensberry my Lord Sunderland, my Lord Treasurer, & my Lord Sumers, and doubt not of your justice and favour with regard to the same. I doubt not but your Lordship remembers that after your Lordship had agreed to the putting my scheme in practice for reducing Canada & Newfoundland that I gave in a memoriall to the Cabinet Councel, praying that after the success of the affair had made the truth of my proposals and the advantages of the same appear, that I might be left Commander in Cheif of Canada untill the government should be regularly modelled, w^{ch} my Lord Sunderland was pleased to give me some assurances of, concerning which I wrote both to my Lord Treasurer and his Lordship from Portsmouth that the Generalof the expedition might have a particular instruction about the same, there appearing now nothing (humanly speaking) which can disappoint this noble designe the success of which (I am almost morally sure) will be attended with more advantageous consequences to Great Britains empire then the many millions have been expended in the European Wars (save the too late arrivall of the fleet from Europe) for which we impatiently wait. I have therefore, in case it should have been forgot, put the above named Lords of the Ministry in mind of what they gave me reason to expect, and that in case it should have hitherto been neglected, they will please by the first express directly for Quebeck to send me such a Commission and power: have like wise proposed to my Lords Queensberry & Sunderland the forming a Regiment out of the Voluntiers of the country troops who go upon this expedition, whose knowledge in the use of Burch Canoes & Snow Shoes makes them more serviceable than our European troops, by much, and will in a short time discipline the others in those exercises. This Regiment to be left in garrison at Quibeck under my cômand as Colonell, and under me by such other officers according to their ranks as have most signalised themselves in the present expedition. I have likewise proposed to their Lordships the absolute necessity of allowing us a Brigantine and sloop to attend that place, after reduced, as well to cruise of the mouth of that great River in order to give us timely notice of the appearance of any fleet to attack us, that so we may have time to get the troops downe to Quibeck from Montreal and Trois Rivers, or if need be to send them express to Old or New England to acquaint them of our circumstances, that so they may send us the necessarie supplys; to the obtaining in all which I humbly begg your Lordships favor and assistance, which I doubt not after your perusal of the papers directed to my Lord Sunderland and the Duke of Dover your Lordship will be convinced are absolutely necessarie for the good of the service. So relying upon your Lordships favour and justice, wishing you all desired honour and happyness, I am with most profound regard

My Lord

Your Lordships most devoted

humble Serv^{t} to cômand

New York June 28th 1709.

Sam: Vetch.

Thomas Byerly, Esq., to the Lords of Trade.

[New-York Entries, G. 395.]

To the R^t^ hon^ble^ the Lord Commiss^rs^ for Trade and Plantations.

My Lords,

The Loustaf and the Tryton's Prize Men of War, having received orders to return home, I can not omit the Opportunity to advise Y^r^ Lord^ps^ of the great loss we have sustain'd by the death of My Lord Lovelace the 6^th^ of last month: He was a Gentleman of those Qualifications, Excell^t^ temper, and goodness, that, had he lived longer with us, he wou'd have reviv'd the Country from its former calamity. Col^l^ Ingoldsby Our Lieu^t^ Gov^r^ succeeds in the Governm^t^ and is so influenced by My Lord Cornbury and his party, that whatever his Lord^p^ desires is put in Execution; and to comply with him the Lieu^t^ Gov^r^ upon several complaints that his Lord^p^ cou'd not gett his Salary paid him from me, upon which he issued out his writ of ne exeat Provinc. which I having notice of, and Experienced the ill usage I had in Lord Cornburys Administration, I withdrew myself for fear of worse treatment and soon after there came a Proclamation for me to appear, which if I cou'd do it with safety I wou'd have given any reasonable Security; But these gentlemen are so Biass'd by my Lord Cornbury (whose usage has been uncommon) that I can have no security of being easy in my Office, neither can I Depend upon any Promises they make.

Your Lord^ps^ cannot but be sensible that the great difficultyes I lye under in the Discharge of my Duty, must be very Grievious to me, so humbly Desire and hope Your Lord^ps^ will consider the circumstances of my Case, and give me your protection and assistance being resolv'd to do my Duty and obey Your commands, I am, My Lords,

Your Lord^ps'^
most obedient humble Servant
T. Byerly.

New York
30^th^ June 1709.

My Lords, Your Lord^ps^ were pleased when I had first my Patent to recommend me as one of Her Majesty's Council, as all my Predecessors had been, and there were Directions that came over to My Lord Cornbury for that purpose, but he never thought fit to call me to the Board, which I beleive has been very prejudicial to Her Majesty's Service, and to myself, When our other Governor comes I desire I may have Your Lord^ps^ favour for that honour.

Mr. Thomas Cockerill to Mr. Popple.

[New-York Entries, G. 392.]

To W^m^ Popple Esq^r^

S^r^

I am to excuse myself to you that I have not written to you since my arrival here. Our disorder'd familly and other affairs have taken up so much of my time, that I have hardly thought of Old England.

I need not Inform you that my Lord dyed here the 6^th^ of May, having never had a well day

in his Government, which I attribute wholly to the cold & sickness he caught aboard the Man of War upon the Coast. One Son dyed before him and the Young Lord a fortnight after. This bad News I suppose is already come to Your hands. With this comes My Lady who will want the assistance of Your Honourable Board to recommend Her Case to Her Majesty: She has been a very great loser in other respects, besides those already mention'd, by this Voyage. I dare promise my self you will do her all the good Offices in Your power.

I stay here behind where I shall be glad of any occasion to serve you.

We are bigg with Expectation of good Success from the Canada Expedition, and shall raise in this Province £10,000, towards the charge of it. I ca'nt say that we match the Zeal and Spirit of the Men of New England, Rhode Island and Connecticut; But we have already sent away all our forces both Regular and Militia, whom Col^{l} Nicholson commands in Chief; We have some against it but they have been outnumber'd. Interest that governs all the world, Tyrannises at New York. At Albany where they Trade with the French at Canada, the Handlers, i. e Traders are against it, the Farmers for it.

In Jersey the Quakers in the Assembly Voted against the Bill for raising £3000 &^{a} for the Canada Expedition, and upon the third Reading, two of the Assembly that were not Quakers joyned with them, thro' somebody's Instigation, to render that Assembly odious, whereby the Bill was lost; But the Assembly being prorogued at the Desire of the Speaker met again and have since past it. Those two men Voted all along for the Bill, untill the third Reading; I am told the Quakers would have absented from the House if they had known of these two Mens designs, but I will not altogethe credit this Report. It may deserve the Queen's consideration, whether quakers shall be allowed to be chosen Assembly Men in that Province for the future.

You will now send us a new Governor, and consequently make some new Alterations in the Council; Col^{l} de Peyster (being the Country's treasurer) will not act; There is your friend D^{r} Staats who has the best Interest in this place, and is one of the honestest men, will deserve the Queen's favour. If he be restored to his Place he will be near the top.

I dare not Venture to give you other Names, but my friend S^{r} W^{m} Ashhurst, if you consult him, can supply you.

If you any time Desire an Account of Persons and things here, I shall very readily obey you when I know your mind.

I hope to hear of the Fleet's arrival with the Forces from England, for all Trade is at a stand untill this Expedition is over; Colonel Vetch is gone back this week for Boston, to receive them.

Do me the favour, Sir, to recommend me to the New Governor, and to believe me to be, S^{r}

Your most faithful humble Serv^{t}

New York
July 2^{d} 1709.

Thom. Cockerill.

Lieutenant-Governor Ingoldesby to the Lords of Trade.

[New-York Entries, G. 372.]

To the R^t^ Hon^ble^ The Lords Commiss^rs^ for Trade & Plantations

My Lords.

I embrace this Opportunity which is the first I have had to inform Your Lord^ps^ that my Lord Lovelace dyed the 6^th^ of May last, whereby the Government of this and Her Majesty's neighbouring Province of New Jersey devolved upon me, whom Her Majesty has been Pleased to appoint Lieut^t^ Governor thereof. My Lord Lovelace left the Assembly setting when he dyed, and it was very lucky for the carrying on this Expedition against Canada; which I hope will be attended with the Success I wish, and I have no cause to doubt it. I herewith transmit to Your Lord^ps^ several Acts of Assembly of this Province, some past by my Lord Cornbury and some by my self, the titles whereof follow. [*Titles omitted.*]

There is one Act among these which I ca'nt but take some particular notice of; It is the Act for regulating and Establishing Fees; which was framed wholly by the Assembly who seemed to be very fond of it; Several of the Council when it came up to them were of my opinion it required many considerable Amendments, yet the part this province is to perform in the aforesaid Expedition against Canada, being at that time before the Assembly for their Assistance therein, those of the Councill who thought the bill Required those Amendments, conceived it was not proper at that time to attempt it, least it might impede those other weightyer affairs; Whereupon they past it, and Desired me to give my assent to it, for the same reasons; I am sensible there was Reason for Moderating the Fees in some Instances, but I think the Assembly have run into Extravagancies far greater on the other hand, of which I am since by daily experience convinced, for the lawyers have Declined their practice in every Court, and the Officers wou'd likewise quit their Employs, but their duty obliges them to wait Her Majesty's Commands, and that they are in hopes they shall be releived from the hardships which they suffer from this Act; Another reason for my passing this Act is, an other of the aforesaid Acts now transmitted to Your Lord^ps^ and past by my Lord Cornbury in October last, Entituled, An Act to releive this Colony from divers irregularities and Extortions which is so unintelligible that it rendred it doubtfull whether any Fees cou'd be taken, 'till some other Act were passed for settling the same. If Your Lord^ps^ upon the consideration of the aforesaid Act for establishing Fees shou'd represent it to Her Majesty as necessary to be rejected, I pray Your Lord^ps^ consider at the same time whether it may not be proper that the other Act be likewise Rejected, to remove the Doubts mentioned to have arisen thereon, And as to that clause giving power to the People to elect their Coroners if Her Majesty shou'd think it reasonable, her signification thereof to Her Governor will I presume be sufficient. And as to the Establishing of Fees I humbly recommend it to Your Lord^ps^ consideration and Directions, that Offices may be capable of maintaining Gentlemen of Understanding and Probity suitable to the nature and quality of each office, without being Dependant on the humour of the Country, and that the practicers of the Law may have an Encouragement to proceed as near as may be in the order and method used in England, and not Oretenus, as in some of Her Majesty's Plantations in the West Indies, and that they may thereby have a maintenance suitable to the Education and Profession.

The Revenue of this Province Expired the 18^th^ day of May last, and I fear the Assembly will be hardly brought to give it again, I mean as they shou'd, and hitherto have done to the

Queen to be Disposed of as she shall think fit, whereby Her Majesty might Reward Her Servants as they Deserve; But instead of that the Assembly are now taking upon them to appropriate what they give for the support of Government: I doubt if it be permitted to go on those officers that are now the Queen's will soon become the Creatures and Servants of the people; It's very well known that this Province has, ever since it has been under the Crown, supported the Government handsomly and as they ought, without oppression to any or impoverishing the place, and they are still as able to do it, as ever; It's true there has been of late years some ill Managem[t] with Respect to the Revenue and the expences of the Government, whereby a considerable Debt has been contracted; but if prudence and Moderation be used in those things, or some Directions given relating thereto, there need be no apprehensions of the like for the future: at present officers are very precarious, some of them are like to have no salary allowed them by the Assembly, and almost all the rest so much reduced, that it's scarce worth accepting. 'Twas the Assembly of New Jersey that first began to appropriate what they gave for the support of Government, and I have been forced to accept of what the Assembly wou'd give here on these terms, rather than lett all the Officers starve. And that is only the Excise, no other Money being yet given for the support of Government; And this is not yet appropriated, but Provided to be disposed of by Act of Assembly; I hope it will not be drawn into precedent, but that Her Majesty will take such Effectual Methods to have a Revenue settled on a sure foundation, that Officers may without fear, Discharge their Duty, and Intend the Queen's Interest.

The only standing Revenue the Queen has in this Province is Quit Rents, and they are so much conceal'd, that very little comes into the Treasury, nor is it practicable to make a Rent Roll whereby they may be collected yearly, other than by a law to be made particularly for that purpose; for I am very well informed that when the Dutch took this place from us, Several Books of Records of Patents and other things were then lost; And how little an Assembly will favour such a Bill is much to be doubted from their Intrest; I wish Your Lord[ps] would give me Your Directions herein, that I might apply myself to bring this matter to a clearer sight than it has yet been in.

I am informed that the Minister of this Place is attempting to obtain from Her Majesty an allowance of twenty six pounds a year out of the Quit Rents, for his House Rent, as also the payment of some arrears occasioned in common with others by the anticipating and over charging the Revenue out which this used to be paid; It was given in the Infancy of the Church, when the congregation were not able to bear the Expence, and was a very pious Act, and has contributed very much to the Increase of it, which is now so flourishing that their Minister has a very handsome Salary of one hundred and sixty pounds p[r] annum, besides his Perquisites. And the Church has now in bank as I am informed, seven or Eight hundred pounds; I hope Her Majesty will think of some other way of paying this Arrear and house Rent; for besides the ill Example it will be, to appropriate the remainder of it to particular uses, it will deprive the Government of all manner of means to provide for several unavoydable Exigencies, this being the only mony it can command. On these Occasions I cannot omit acquainting Your Lord[ps] that tho' by my Lord Lovelace's directions, the Act of Parliament for the ascertaining the rates of Foreign Coins in Her Majesty's Plantations in America, was published in this Province, and in New Jersey yett the people of either Province pay no obedience thereto; Nay the Assemblies take upon them thus far to make the Act of no signification, that they will pass no bill for mony, but to be paid at the Value it was, before the said Act took place. Indeed M[r] Cockrill who pays the forces here, has paid them

according to that Act eversince the first of May, and the publick Officers conform to it, but nobody else do's, that I hear of, I Pray Your Lord^{ps} Directions herein, whether I shall cause the Attorney general to preferr an Information or Indictment against one or two persons, and try if that will bring the People to the Necessary obedience of the aforesaid Act; or what other measures I shall take, I pray Your Lord^{ps} to give me leave to Inform you, that the Queen by Her Instructions to the Governor, commands him to furnish Her Ships of War with men, upon application from the Captains; The Captain of the Kingsale and Maidstone, which came with my Lord Lovelace have applied to me for men. I was willing to supply them, but yet I doubted my hands were tied up from Impressing by the Act of Parliament, Entituled, An Act for the Encouragement of the Trade to America; Yet I was unwilling to rely Altogether on my Own judgment, and therefore Referred it to the Chief Justice and the Attorny General for their Opinion thereon, who have severally given it me; a Copy whereof I now send Your Lord^{ps} the Disagreement there is in those Opinions, obliged me to take the Advice of the Council thereon, who have given it, as Your Lord^{ps} may perceive by a copy of the Minute of Council herewith likewise sent. I pray Your Lord^{ps} that I may have some further Directions herein, or that some other method may be taken to man the Queen's Ships.

I am just now honoured with Your Lord^{ps} letter, wherein was Her Majesty's Disapprobation of the Act of Assembly of this Province, for the Corruption of the Current Coin, which I have made public, and I shall use my utmost Endeavours to have the aforesaid Act of Parliament for ascertaining the rates of Foreign Coins Obey'd, nor do I see now what pretence the People can have not to comply therewith.

I have given the Attorny General leave to go for England upon his request, and his representing to me the necessity of it: he can witness to Your Lord^{ps} what an unwillingness Assemblies here have to give a Revenue suitable to the exigencies of the Government, tho' many years experience has convinced the considerate and best part of Mankind, that the Revenue as it hitherto has been rais'd has been exceeding Easy to the Province. One principal Motive for the Attorny General's going is that the Assembly have not thought convenient to give him the Salary which his Predecessors had; And they are going the same way to work with the rest of the Officers of which I pray Your Lordship's consideration, that this budding Evil may be prevented from growing greater.

In my last to Your Lord^{ps} from Perth Amboy, I sent Your Lord^{ps} an account of what then occurred both in the Council and Assembly to that time; I have only to add that our Assembly mett according to the Appointment: and have, as Your Lord^{ps} will see by the Minutes of Council herewith sent you, passed an Act for Raising £3000 for the present service and Expedition against Canada, an other for the Inforcing the Currency of Bills of Credits for £3000, and an other for the Incouragement of Voluntiers. I have only to observe to Your Lord^{ps} that they passed the House of Representatives with great difficulty, all the Quakers in the house voting against the Bills; which is a further Confirmation of the Representation sent to Her Majesty from my self and the Gentlemen of the Council, in which Col. Nicholson and Col^{l} Vetch have joyned with us.

I hope Your Lord^{ps} will excuse me for not sending the Acts past in New Jersey. The Secretary not having as yet sent 'em me. I shall transmit them Your Lord^{ps} y^{e} very next opportunity.

I am with all due respects, My Lords,
Your Lord^{ps} most obedient humble Servant
RICH. INGOLDSBY.

New York
5th July 1709

Examination and Intelligence of some Indians.

[New-York Papers, y. z. Z. 45.]

At a meeting of the Comm^{rs} for managing the Indians Affairs in Albany the 21. of June 1709.

PRESENT—Coll. K V. Renselaer J. Abeel
Ev^{t} Banker H. Hansen.

Examination of Wagrasshse & Canawanegoe that were sent by Coll. K. V. Renselaer & M^{r} Rob^{t} Livingstone spyes to Canada.

Say y^{t} when they sett out from Schaennechtada they came unto the French praying Indian Castle of Cachnawage in Canada, the 7th day where they Indians asked what there business was; they replyed they came to fetch bev^{rs} w^{ch} they had there; the next morning by ord^{r} of y^{e} Gov^{r} of Montroyall were carryed thither, who also askt what brought them there and how all was at Albany; they reply'd that all was well and in quietness.

After we left the Gov^{r} of Canada, went according to our directions to view what quantity of great guns there was in that place; we first saw two patarrores before the Gov^{rs} house & ten more & eight great guns near the water syde whereof two great gunns were only mounted; after y^{t} y^{e} Gov^{r} of Montroyall sent for us again and askt when we went home; we answered in three days time, upon w^{ch} he forbid us to return thro' Corlaer's lake, for that many of his people were gone out that way to fight, and if they went that way, might be kild, therefore desyred us to return by way of Cadarachqua River.

As to the quantity of people in Montroyall found no more than at other times, that is, many officers but few souldiers, the stockadoes round the town we perceived many decay'd. When we come by Laplarie, we see some part of the fort made new, the rest old & rotten. In Chambly fort were two great gunns and three patarrores, and ab^{t} 30 men with the Souldiers therein and the inhabitants living near the same. And we also informed our selves relating Quebeck, do understand that that place is very well fortyfy'd with a thick stone wall round it and is enlarg'd over the Creek at w^{ch} place the Bostoners stopt when they attackt it; there is a considerable quantity of boums & three mortors.

When we were at Cachnawage in order to return home, just as we were going out, came in the Gov^{r} of Quebeck, who desired a meeting with us and all other our Indians that were there, & being convein'd he askt us if we were going home; we answer'd, yes; then s^{d} he, lett us first drink together, and gave every man of us a dram of Brandy, and a small roll of tobacco, and sayd that he was inform'd that the hachett was given into the hands of the Five Nations, but that he expected the first blow from Quider, & then should know how to deal with him; for it is an easy matter (sayd he) to take Albany, and as you Chi[l]dren (say'd he to us) doe what you think fitt, fight or not, it is at your pleasure.

Says that the fort at Cachnawage is also old and sett round with small stockadoes, has 3 great gunns therein.

We are informed that a considerable party are gone out agst N. England, whom one of our Indians hath seen march out, in w^{ch} party there is 100 Indians from Cachnawage; the same party is cômanded by one Romvick a son of Mons^{r} Artell;[1] they are to make a Fort on the head of New England river at a place called Oneyade; after y^{t} we travel'd on to Chambly in order to proceed in our journey home. We were evertaken again by a messanger from the

Gov^{r} of Canada, who desired us back again; on w^{ch} we return'd back to Montroyall and went to the Gov^{r} who sayd he was glad we were come back, and desired us to tarry a few days to take good news along to Quider, & expected letters from Quebeck every hour, where a vessell was arrived from France and had brought that news, but he had not yet any letters relateing to the same, but expected hourly; whereupon we tarryed one day, then told him we were going home. He sayed, since you will not stay, tell Quider that assoon as my letters come from Quebeck with peace, shall emmediately send him an express, altho' I believe by this time he will have an account thereof by way of N. York, so that I beleeve the expresses will meet together by the way

Examination of Matanas one of the three that were sent to Canada by Coll K V. Renselaer & M^{r} Rob^{t} Livingstone and return'd here this day, haveing been 8 days by the way from Chambly.

Says that in his going thither he was nine days by the way to Chambly, where he found 40 Mohags from Cachnawage and other Indians w^{ch} he knew not. There he was taken up to be one of them that had kild theirs in the Lake & Chambly River and was detained there on that acc^{t} three days. Says that the Stockadoes round the fort of Chambly are all rotten & propt up with cross peeces of timber to hold them up; therein is also six great gunns including pattares; all the men in't and inhabitants round it are not above 30 in number. From thence he went down to Sorrel where he beleeves all & all is not above 40 men. Then he went to an Indian Castle a litle from thence call'd Adgecantehook, where the Preist bid him welcome; there he saw two litle patarrares & found provision very scarce; that castle consists of ab^{t} 170 men when all at home; many of them were not yett come from Beaver hunting. After ten days stay to give no suspicion, he resolved to goe to Troy River, with an intention to goe to Quebeck, but the Preist takeing him to be a spye would not allow him to take his gunn &^{c} with him, but gave leave to goe to see the place only; w^{ch} put a stop to his intended proceedings. After he came to Troy River he found it be a town like Schaennectady, w^{ch} consists ab^{t} 40 familys, has a fort wherein is with great guns & patarrares about the number of thirty, the stockadoes rotten & decay'd. He likewise meet an Indian a frind of his come there from Quebeck, by whom he understood that the stone wall round Quebeck was compleatly finish'd, being built out over the Creek where the Bostoniers made their attack and that there was 56 great guns planted round the inside of the Citty & upwards of twenty mortors. Has further understood that some Indians are gone out a fighting towards the North west: and so returned home.

Intelligence given by an Indian call'd Ticonnondadiha deserted from a French party gone to N. England:

Says that it is now 24 days ago since that party went out from Canada, w^{ch} he left three days ago at the head of the Otter Creek at a place called Oneyade; and to goe over a long carrying place before they come to the N. England River. This party consists of 180 men, 40 Christians & 140 Indians; they are designed for Dearfeild and intended to post themselfes near the fort and then send out a skulking party to draw out the English, thinking

[1] By one Rouville, son of M. Hertel. *Charlevoix.* — Ed.

by that means to take the place. That by another Indian come latter from Canada, confirms that this party is out, and that two N. England captives deserted from thence 14 dayes ago.

Albany 22th June 1709.

Hereupon the Comrs for the Indian affairs have sent Danl Ketelhuyn expresse with a letter to Coll. Partridge to give an acct thereof.

(Indorsed) "Referred to in Colonel Ingoldesby's
"lrê of 5. July 1709.
"Recd 20 August
"Read 30 do 1709"

Report of Board of Trade respecting the Palatines.

[New-York Entries, G. 387.]

To the Rt Honourable The Ld High Treasurer of Great Britain.

My Lord,

In case the Proposal we laid before Your Lordp this day relating to the settling the Palatines at Jamaica be not approved, Thô we do not at present foresee any Objections but what may arise from the greatness of the Charge (which nevertheless we have lessned all we can) or if it shall not be thought Convenient to settle the whole number of the poor Palatines on the Island of Jamaica, We offer to Your Lordps consideration.

That such of them as shall not otherwise be disposed of may conveniently be settled upon Hudson's River in the Province of New York, where Her Majesty has very large Tracts of Waste Lands. In order whereunto

We further propose that they be transported thither at Her Majesty's charge, which for so great a number, partly made up of small children may, as we are informed, be done at between three and four pound a head, one with another.

That they be supplied here with all necessary tools for Husbandry, and with Nails & Hinges and other Iron Work for building their Timber houses, to enable them to begin and make settlements; which Emptions may be computed at forty shillings pr head, as in the Case of the Poor Palatines and to the same place the last year.

That the Govr or Commander in Chief of the said Province be Directed upon their arrival there, to grant unto every one of them, under the Seal of that province, without fee or reward the usual and like number of Acres as was granted or Directed to be granted to Every one of the Palatines lately sent thither, to have and to hold the same unto them and their heirs forever, upon the like terms and under the like conditions and Covenants for settling and Cultivating the said Lands, as the other Palatines already settled there are subject and lyable unto.

But as these People are very necessitous they will not be able to subsist there, till they can reap the fruit of their labour (which will not be 'till after one year) unless assisted by Her Majesty's Bounty; for we doubt there is little Relief to be expected from the Inhabitants

of that Province, under its present circumstances; and therefore these poor people must Depend on Her Majtys Royal Bounty for their Subsistance for one Year after their Arrival in New York, which charge may be computed at about five pound pr head.

Further we propose that before their Departure they may be made Denizens of this Kingdom, that they may enjoy all the Privileges and Advantages as are Enjoyed by the present Inhabitants of New York, accruing thereby.

It may be objected that shou'd these people be settled on the Continent of America, they will fall upon Woollen and other Manufacturies to the prejudice of the Manufactures of this Kingdom now consumed in these Parts. To this we answer that the Province of New York being under Her Majesty's immediate Government, such mischievous practice may be discouraged and checqued much easier than under any Proprietary Governments on the said Continent, as has been found by experience; and as a further provision against any such practice, a clause may be inserted in the several Patents so to be passed to the said Palatines declaring the same to be void, if such Patentee shall apply himself to the making the Woollen or such like Manafactures.

If it be though advisable that these poor people or any number of them be settled on the Continent of America, We are of opinion that such settlement, especially if made at Her Majesty's charge shou'd be in Provinces under Her Majesty immediate Government, and we know no place so proper as Hudson's River on the Frontier of New York, Whereby they will be a good barrier between Her Majesty's Subjects and the French & their Indians in those parts, and in process of time by intermarrying with the neighbouring Indians (as the French do) they may be Capable of rendring very great Service to Her Majesty's Subjects there; and not only very much promote the Fur Trade, but likewise the increase of Naval Stores, which may be produced in great plenty at New York, wherein Mr Bridger Her Majesty's Surveyor of the Woods on that Continent may be Directed to instruct them.

Lastly we take leave to Observe to Your Lordp that in Virginia and some other parts of the said Continent, where the Air is clear and healthfull, wild Vines do naturally grow and afford plenty of Grapes, which if cultivated and improved by husbandry wou'd produce good wines. Wherefore if some of these Palatines who are Vine Dressers were settled there, and imployed in that sort of Husbandry, a new proffitable Trade might be Introduced to the Benefit of this Kingdom.

We are, My Lord, Yr Lordp's most humble Servants

DARTMOUTH
J. SMITH
PH. MEADOWS
J. PULTENEY.

Whitehal
August the 30th 1709.

Representation of the Board of Trade to the Queen.

[New-York Entries, G. 398.]

To the Queen's most Excel^{t} Majesty.

May it please Your Majesty

We have received letters from Col^{l} Ingoldesby Your Majesty's Lieu^{t} Gov^{r} of New Jersey informing us that upon the death of the Lord Lovelace Your Ma$^{ty's}$ late Gov^{r} of New York he had taken upon him the government of that Province, stiling himself Your Majesty's Lieu^{t} Gov^{r} thereof, and as we beleived he had not title to that Gov^{t} we looked back into our Books, and find that he had a Commission from Your Majesty to be Lieu^{t} Gov^{r} of New York. But upon a Representation of Your Majesty's Commiss^{rs} of Trade & Plantations Dated the 8th of April 1706, setting forth the Inconveniences of the said Ingoldesby's being Lieut^{t} Gov^{r} of New York, Your Majesty was pleased, by Your order in Council of the 11th of the said month, to direct S^{r} Charles Hedges then Sec^{ry} of State to prepare a Warr^{t} for Your Majesty's Royal Signature Revoking the said Ingoldesby's Commission for that Province; and the said Commissioners having been Desired by S^{r} Charles Hedges to prepare the Draught of such a Warrant, the same was prepared by them, and sent to him the 24th of the said April But it not appearing by the Books in the office of Your Majesty's Secry of State whether the said Warrant was signed by Your Majesty and sent or no. We thought it Our Duty to lay this matter before Your Majesty, and to forbear transacting with him, under the character of Lieut^{t} Gov^{r} of New York, till we shall Receive Your Majesty's pleasure thereupon.

Which is most humbly submitted

Dartmouth
J. Smith
Ph. Meadows
Jn^{o} Pulteney

Whitehal
Septemb^{r} the 2^{d} 1709

Lady Lovelace to the Lords of Trade.

[New-York Entries, G. 399.]

To the hon^{ble} the Lords of Trade and Plantations

My Lords.

During my Dear Lord's Illness he committed several papers to my care, telling me they must be sent to England by the first opportunity, to M^{r} Gough, to be Deliver'd to Lord Sunderland, his Lord^{p} having writ for them. And soon after the dismal death of my Dear Husband, and Eldest son, in the midst of my afflictions (which were and are the most sorrowfull that ever befell a poor Woman) Col. Ingoldesby came to me, and Demanded the Papers I had in my hands; I told him they were sent for by Lord Sunderland Secry of State and shew'd him his Lord^{ps} lett^{r}. he told me he did not value Lord Sunderland's lett^{r}, 'twas nothing to him, and in very ruff and threatning terms told me that I shou'd not stir from New

York, 'till I had given him the said papers; Both my self & friends told him I shou'd complain of his severe usage when I came to England, he answer'd he valued it not, and that England was at a great Distance, and he well knew when another Gov^{r} came over, he shou'd be removed: but notwithstanding his Hectoring me, I did at midnight get the trunk of Papers and myself on Ship board, and so prevented my confinement. But I much fear he will treat M^{r} Cockerill (who was secretary to my Lord) very roughly, because he assisted in my escape of the papers; Also Captain Symons belonging to one of the Companies in a very bullying manner wou'd not let me Remove several things that we put into the Fort and paid for.

I doubt not my Lords, but my deplorable condition will be commisserated by Her Majesty, as well as pityed by Your Lord^{ps}; The damage our goods received by Sea was very great, the Expence in repairing the House at New York, the Expence of my Dear Lord's Illness, from the time of our arrivall 'till his Death, also of two children, and their Funerals, and the Expences of our voyages amount to above £2000 more than my Lord received there, which was not above £400. — My Lords, I humbly begg Your Lord$^{p's}$ Pardon for this, and leave to subscribe myself,

Your Lord^{ps} most humble Servant

LOVELACE.

September 3^{d} 1709

Order revoking Colonel Ingoldesby's Commission as Lieutenant Governor of New-York.

At the Court at Windsor, the 5th of September 1709.

PRESENT — The QUEEN'S MOST EXCELLENT MAJESTY in Councill.

Upon Reading this Day at the Board a Representation from the Lords Commission^{rs} of Trade & Plantations, setting forth that by Letters from Colonel Ingoldesby, they are informed that since the death of the Lord Lovelace, Her Majesty's late Governor of New York he had taken upon him the said Government, and the said Lords Commissioners taking notice that upon a former Representation from the Board in 1706, Her Majesty had been pleased to Direct that the Commission for Colonel Ingoldsby to be Lieutenant Governour of New York shou'd be Revoked; But that it does not appear whether any such Revocation had been sent to him. Her Majesty in Councill taking the same into consideration, is pleased to order that the Commission for constituting the said Colonel Ingoldsby Lieutenant Governour of New York be Revoked, and the R^{t} Hon^{ble} the Earl of Sunderland, Her Majesty's Principall Secretary of State, is to cause a Warrant to be prepared for Her Majesty's Royal Signature accordingly

JOHN POVEY.

Revocation of Colonel Ingoldesby's Comission as Lieutenant Governor of New-York.

[New-York Entries, G. 434.]

Anne R

Trusty and Well beloved We greet you Well, Whereas by our Commission bearing date at S^t^ James', the Six & twentieth day of November in the first Year of our Reign. We were pleased to constitute and appoint you our Lieutenant Governor of our Province of New York and the Territories depending thereon in America to have hold exercise and enjoy the said office or place of our Lieutenant Governour there, for and during our pleasure, and whereas for certain causes and considerations us thereunto moving, We have thought fitt to Determine, Annull and Revoke[1] our Commission granted unto You in that Behalf as aforesaid, and all and singular the matters, clauses, powers, and authorities therein contained; Our Will and pleasure is that upon the Receipt hereof, you do immediately as you will answer the contrary at your perill, quit the aforesaid office or Place of our Lieu^t^ Governour of our said Province of New York, and that you do thenceforth forbear to put in Execution any of the Clauses, Powers and Authorities therein contained, which we hereby Declare to be null and void from the time of Your Receipt of these Presents. And so we bid you farewell. Given at our Castle of Windsor, the Seventeenth Day of September 1709. In the Eight year of our Reign.

By her Majesty's Command

Sunderland.

Earl of Sunderland to the Board of Trade.

[New-York Entries, G. 403.]

To the R^t^ Hon^ble^ The Lords Commiss^rs^ for Trade & Plantations.

My Lords and Gentlemen

The Queen having thought fit to appoint Col^l^ Rob^t^ Hunter to succeed the late Lord Lovelace in the Governments of New York and New Jersey, I Desire you will, as usual prepare the Draughts of such Commissions and Instructions as you shall think necessary on this Occasion. I am My Lords and Gentlemen.

Your most humble Servant

Sunderland.

Whitehal
September 9^th^ 1709

[1] "As we do by these Presents determine Annul and Revoke" *New-York Council Minutes*, X., 481. — Ed.

The Board of Trade to the Earl of Sunderland, with Draft of Colonel Hunter's Commission.

[New-York Entries, G. 404.]

To the Right Honour^{ble} The Earl of Sunderland.

My Lord.

In obedience to Her Majesty's Commands signifyed to us by Your Lord^{ps} letter of the 9th Instant, We here inclose the Draughts of Commissions for Col^{l} Hunter, for the Governm^{ts} of New York and New Jersey, which are in the usual form. And we are preparing the Necessary Instructions with all possible Dispatch. We are,

My Lord,

Your Lord^{ps}' most humble Servants

DARTMOUTH
PH. MEADOWS
JN^{o} PULTENEY.

Whitehal
September 15th 1709

Commission for Robert Hunter Esq^{r} to be Her Majesty's Captain General and Gov^{r} in Chief of her Majesty's Province of New York, and the Territories Depending thereon in America.

ANNE by the grace of God, of Great Britain France and Ireland Queen Defender of the Faith &^{a} To Our Trusty and Well Beloved Robert Hunter Esq. Greeting. We reposing especial trust and confidence in the prudence courage and loyalty of you the said Rob^{t} Hunter our especial grace, certain knowledge & meer motion have thought fit to constitute & appoint, and by these Presents Do Constitute & Appoint you the said Robert Hunter to be our Capt. General and Gov^{r} in Chief in and over Our Province of New York, and the territories depending thereon in America. And we do hereby require and command you to do and execute all things in due manner, that shall belong unto Your said command, and the trust we have reposed in You, according to the several powers and Directions granted or appointed you by this present Commission, and the Instructions and Authorities herewith given you; or by such further Powers, Instructions and Authorities as shall at any time hereafter be granted or appointed you under our Signet and Sign Manual, or by Our Order in Our Privy Council & according to such reasonable laws and Statutes as now are in force, or hereafter shall be made and Agreed upon by You, with the Advice and consent of Our Council and the Assembly of Our said Province under your Government, in such manner and form as is hereafter expressed.

And our will and pleasure is that you the said Robert Hunter (after the publication of these our Letters Patents) do in the first place take the Oaths appointed by Act of Parliament to be taken, instead of the Oaths of Allegiance and Supremacy; and the Oath mention'd in an Act entituled, "An Act to declare the Alteration in the Oath appointed to be taken by the Act entituled, an Act for the further Security of his Majesty's person, and the Succession of the Crown in the Protestant Line, and for Extinguishing the hopes of the pretended Prince of Wales, and all other Pretenders, and their open & secret Abettors, and for Declaring the Association to be Determin'd". As also that You make and Subscribe the Declaration mention'd in an Act of Parliament made in the 25th year of the Reign of King Charles the

Second, Entituled "An Act for preventing Dangers which may happen from Popish Recusants", and likewise that you take the usual Oath for the due execution of the Office and Trust of our Captain Gen[l] and Gov[r] in Chief, in and Over our said Province of New York and the Territories depending thereon, for the due and Impartial Administration of Justice. And further that you take the Oath required to be taken by Gov[rs] of Plantations to do their utmost that the several Laws relating to Trade and the Plantations be observed; Which said Oaths and Declaration Our Council in Our said Province, or any three of the Members thereof, have hereby full Power and Authority and are [hereby] required to tender and administer unto you, and in Your Absence, to our Lieut[t] Governor if there be any upon the Place; All which being Duly performed you shall administer unto each of the members of Our said Council, as also to our Lieut[t] Gov[r] if there be any upon the place, the Oaths appointed by law to be taken instead of the Oaths of Allegiance & Supremacy, and the Oath mention'd in the said Act Entituled, "An Act to Declare the Alteration in the Oath appointed by the Act, entituled, An Act for the further Security of His Majesty's person, and the Succession of the Crown in the Protestant line, and for Extinguishing the hopes of the pretended Prince of Wales, and all other Pretenders, and [their open and Secret Abettors and] for declaring the Association to be Determined; As also to cause them to make and Subscribe the Aforemention'd Declaration, and to Administer to them the Oath for the due Execution of their places and trusts.

And we do hereby Give and Grant unto You full power and Authority to suspend any of the Members of our said Council from sitting, voting and assisting therein, if you shall find just cause for so doing.

And if it shall at any time happen that by Death, Departure out of our said Province, Suspension of any of our said Councillors, or otherwise, there shall be a Vacancy in Our said Council (any three whereof we do hereby appoint to be a quorum) Our Will and pleasure is that you signify the same unto us by the first Opportunity, that we may under our Signet and Sign Manual, constitute and appoint others in their stead.

But that Our Affairs at that Distance may not suffer for want of a due number of Counsellors, if ever it shall happen that there be less than Seven of them residing in our said Province, We do hereby give and grant unto you the said Robert Hunter full power and Authority, to choose as many persons out of the principal freeholders Inhabitants thereof as will make up the full number of our said Council to be seven and no more; which Persons so chosen and Appointed by you shall be to all Intents & purposes Counsellors in our said Province, untill either they shall be confirmed by us, or that by the Nomination of Others by us, under our sign Manual and Signet our said Council shall have seven or more persons in it.

And we do hereby Give and Grant unto you full power and Authority with the Advice and consent of Our said Council, from time to time, as need shall require to summon and call general Assemblies of the said Freeholders and Planters within Your Government according to the usage of our Province of New York.

Our Will and pleasure is, that the persons thereupon duly Elected by the Major part of the Freeholders of the respective Counties and places, and so returned, shall before their sitting take the Oaths appointed by Act of Parliament to be taken instead of the Oaths of Allegiance and Supremacy, And the Oath mention'd in the foresaid Act Entituled "An Act to Declare the Alteration in the Oath appointed to be taken by the Act entituled, An Act for the further Security of His Majesty's person, and the Succession of the Crown in the Protestant Line, and for extinguishing the hopes of the pretended Prince of Wales, and all other

Pretenders, and their open and secret Abettors, and for Declaring the Association to be Determined;" As also to make and Subscribe the fore mentioned Declaration (which Oaths and Declaration you shall commissionate fit persons under our Seal of New York to tender and Administer unto them, and untill the same shall be so taken and subscribed, no person shall be capable of sitting thô elected; And we do hereby declare that the persons so Elected and Qualified shall be called & deemed the general Assembly of that Our Province and Territories Depending thereon.

And that You the said Robert Hunter with the Consent of our said Council and Assembly, or the Major part of them respectively shall have full power and Authority to make constitute and Ordain laws, Statutes and Ordinances for the public peace, welfare and good government of our said Province and of the people and inhabitants thereof, and such others as shall resort thereto, and for the benefit of us our heirs and successors, which said Laws, Statutes and Ordinances are not to be Repugnant, but as near as may be agreeable to the Laws and Statutes of this our Kingdom of Great Britain.

Provided that all such Laws, Statutes and Ordinances, of what Nature or Duration soever, be within three months or sooner, After the Making thereof, transmitted unto us, under our Seal of New York, for Our Approbation or Disallowance of the same; As also the Duplicates thereof be the next conveyance.

And in Case all or any of the said Laws, Statutes and Ordinances, not before confirmed by us, shall at any time be Disallowed and not approved, and so signifyed by us, Our Heirs or Successors, under Our or their Sign Manual and Signet, or by Order of our or their Privy Council, unto you the said Robert Hunter, or to the Commander in Chief of Our said Province for the time being, then such and so many of the said Laws, Statutes and Ordinances as shall be so Disallowed and not Approved shall from thence forth cease, determine and become utterly voyd and of none effect, any thing to the contrary thereof notwithstanding.

And to the end that nothing may be passed or done by our said Council or Assembly to the prejudice of us, our heirs and Successors, We Will and Ordain that you the said Robert Hunter shall have and Enjoy a Negative Voyce in the making and passing of all laws, Statutes and Ordinances as aforesaid.

And you shall and may likewise from time to time as you shall judge it necessary, Adjourn prorogue and Dissolve all General Assemblies as aforesaid.

Our further Will and Pleasure is that you shall and may keep and use the public Seal our Province of New York, for sealing all things whatsoever that pass the great seal of Our said Province under your Government.

We do further give and grant unto you, the said Robert Hunter, full power and Authority from time to time, and at any time hereafter by Yourself or by any other to be Authorised by you in that behalf, to Administer and give the Oaths appointed by Act of Parliament to be taken, instead of the Oaths of Allegiance and Supremacy, to all and every such person or persons as you shall think fit who shall at any time or times pass into our said Province, or shall be resident or abiding there.

And we do by these Presents give and grant unto you the said Robert Hunter full power and Authority, with the advice and consent of our said Council, to erect, constitute and establish such and so many Courts of Judicature and Public justice within Our said Province, and the Territories under Your Government, as you and they shall think fit and necessary, for the hearing and Determining of all causes, as well criminal as civil, according to law and equity, and for awarding of Execution thereupon, with all reasonable and necessary powers,

Authorities, Fees and Priviledges belonging thereunto; As also to Appoint and Commissionate fit persons in the several Parts of Your Government, to administer the Oaths appointed by Act of Parliament to be taken, instead of the Oaths of Allegiance and Supremacy, and the Oath mentioned in the aforesaid Act Entituled, "An Act to Declare the alteration in the Oath appointed to be taken by the Act entituled An Act for the further Security of His Majesty's person, and the Succession of the Crown in the Protestant line, and for extinguishing the hopes of the pretended Prince of Wales and all other Pretenders, and their open and Secret Abettors, and for Declaring the Association to be determined; As also to tender and Administer the foresaid Declaration unto such persons belonging to the said Courts, as shall be Obliged to take the same.

And we do hereby Authorize and Impower you to constitute and Appoint Judges and, in cases requisite, Commiss^{rs} of Oyer and Terminer, Justices of the Peace and other necessary Officers and Ministers in our said Province for the better Administration of Justice, and putting the laws in execution, and to administer or cause to be administered unto them such Oath or Oaths as are usually given for the due Execution and performance of Offices and places, and for the clearing of truth in judicial Causes.

And we do hereby give and grant unto you full power and Authority, where you shall see cause or shall Judge any Offender or Offenders in Criminal matters, or for any fines or forfeitures due unto us, fit objects of our Mercy, to pardon all such Offenders, and to remit all such Offences, fines and forfeitures, treason and wilful murder only excepted; In which Cases you shall likewise have power upon extraordinary Occasions, to grant Reprieves to the Offenders, untill and to the intent Our Royall pleasure may be known therein.

We do by these Presents Authorize and empower you to collate any person or persons to any Churches, Chappels, or other Ecclesiastical Benefices within our said Province and territories aforesaid, as often as any of them shall happen to be voyd.

And we do hereby give and grant unto you, the said Robert Hunter, by Your self or by Your Captains, and Commanders by you to be authorized, full power and authority to levy, arm, muster, command and Employ all Persons whatsoever, Residing within our said Province of New York, and other the Territories under Your Government; And as occasion shall serve, to march from one place to another or to Embark them, for the resisting and withstanding of all Enemies, Pirats & Rebels, both at Sea and at land; and to Transport such forces to any of our Plantations in America if Necessity shall require for the Defence of the same, against the Invasion or attempts of any of our enemies & such Enemies, Pirats and Rebels if there shall be occasion, to pursue or prosecute in or out of the Limits of our said Province and Plantations, or any of them, And (if it shall please God) them to vanquish, apprehend and take, and being taken according to Law to put to Death, or keep and preserve alive at your discretion; and to execute martial Law in time of Invasion, Insurrection or War, and to do and Execute all and every other thing and things, which to our Captain General and Gov^{r} in chief, do's or ought of Right to belong.

And We do hereby Give and Grant unto you our full power and Authority, by and with the Advice and consent of our said Council of New York, to Erect raise and build in Our said Province and Territories depending thereon, such and so many Forts and Platforms, Castles, Cities, Burroughs, Towns and Fortifications, as you by the advice aforesaid shall Judge necessary; and the same or any of them to Fortify and furnish with Ordnance, Ammunition and all sorts of arms fit and necessary for the Security and Defence of our said Province; and

by the advice aforesaid, the same again or any of them to Demolish or Dismantle, as may be most convenient.

And for as much as divers Mutinies and Disorders may happen by Persons Ship't and employ'd at sea during the time of War, and to the end that such as shall be shipped & Employed at Sea during the time of War, may be better govern'd & order'd, We do hereby give and grant unto you the said Robert Hunter, full power and authority, to constitute and appoint Captains, Lieutenants Masters of Ships, and other commanders and officers, and to grant to such Captains, Lieutenants, Masters of Ships, and other Commanders and Officers, Commissions to execute the law Martial during the time of War, and to use such proceedings Authorities punishments, corrections and Executions upon any Offender or Offenders, who shall be mutinous, seditious, disorderly or any way unruly, either at Sea or during the time of their Abode or Residence in any of the Ports, harbours or bays of our said Province and Territories, as the cause shall be found to require, according to Martial Law, during the time of War, as aforesaid.

Provided that nothing herein contained shall be construed to the Enabling you, or any by your authority to hold, plea, or have any jurisdiction of any offence, cause, matter or thing committed or done upon the High Sea, or within any of the Havens, Rivers or Creeks of our said Province and Territories under your Government, by any Captain, Commander Lieutenant, Master, Officer, Seaman, Soldier or other person whatsoever, who shall be in actual service and pay in or on board any of our ships of War or other Vessells acting by immediate Commission or warrant from our high Admiral of Great Britain, under the Seal of Our Admiralty, or from our Commiss[rs] for executing the Office of Our High Admiral of Great Britain for the time being; But that such Captain, Commander, Lieutenant, Master, Officer, Seaman Soldier or other Person so Offending shall be left to be proceeded against and Tryed, as the merits of their offences shall require, either by commission under our Great Seal of Great Britain, as the Statute of the 28[th] of Henry the Eighth Directs, or by Commission from our said High Admiral of Great Britain, or from Our Commiss[rs] for Executing the office of our High Admiral of Great Britain for the time being, according to the Act of Parliament passed in the 13[th] year of the Reign of King Charles the Second Entituled, "An Act for the Establishing Articles and Orders for the regulating and better Government of His Majesties Navies, Ships of War and forces by Sea" and not otherwise.

Provided nevertheless that all Disorders and Misdemeanours committed on Shore by any Captain, Commander, Lieutenant, Master, Officer, Seaman, soldier or other person whatsoever, belonging to any of our Ships of War or other Vessels, acting by immediate commission or Warrant from our High Admiral of Great Britain, under the Seal of our Admiralty, or from our Commiss[rs] for executing the office of High Admiral of Great Britain for the time being, may be tried and punished according to the laws of the place, where any such disorders, offences, and Misdemeanours shall be committed on shore, notwithstanding such offender be in our Actual Service, and born in our Pay on board any such our Ships of War or other Vessels acting by immediate Commission or Warrant from Our High Admiral, or from Our Commiss[rs] for executing the Office of High Admiral [of Great Britain] for the time being as aforesaid; So as he shall not receive any protection for the Avoyding of Justice for such Offences committed on shore, from any pretence of his being employed in Our Service at Sea.

Our further Will and pleasure is that all public monies raised, or which shall be raised by any Act hereafter to be made within our said Province and other the Territories depending

thereupon, be issued out by Warrant from you, by and with the advice and consent of the Council, and Disposed of by you for the Support of the Government, and not otherwise.

And we do hereby likewise Give and Grant unto you full power and Authority, by and with the advice and consent of Our said Council to settle and agree with the inhabitants of Our Province and territories Aforesaid, for such Lands Tenements and Hereditaments as now are or hereafter shall be in our power to Dispose of, and them to grant to any person or persons upon such Terms, and under such Moderate Quit Rents, services & acknowledgm^{ts} to be thereupon reserved to us, as you by and with the advice aforesaid, shall think fit; Which said Grants are to pass & be Sealed by Our Seal of New York, and being entred upon record by such Officer or Officers as you shall appoint thereunto, shall be good and effectual in law against us, Our Heirs and Successors.

And we do hereby Give [unto] You the said Robert Hunter, full power to Order and Appoint Fairs, Marts and Markets, as also such and so many Ports, Harbours, Bays, Havens, and other places, for convenience and Security of Shipping, and for the better loading and unloading of Goods and Merchandizes, as by you, with the Advice and Consent of the said Council, shall be thought fit and necessary.

And we do hereby require and command all Officers and Ministers, Civil and Military, and all other Inhabitants of our said Province and territories depending thereon, to be Obedient, aiding and Assisting unto you the said Robert Hunter, in the execution of this our commission, and of the powers and Authorities herein contained; And in case of Your Death, or absence out of our said province and territories, to be obedient, aiding and assisting unto such person as shall be appointed by us to be our Lieut. Gov^{r} or Commander in Chief of our said Province; To whom we do therefore by these presents Give and Grant all and singular the powers and Authorities herein granted, to be by him executed & enjoyed, During Our pleasure or until Your Arrival within our said Province and Territories.

And if upon Your Death, or Absence out of Our said Province and Territories, there be no Person upon the place, commissionated or appointed by us to be our Lieu^{t} Gov^{r} or Commander in Chief of the said Province, Our Will and Pleasure is that the Eldest Councillor, whose name is first placed in Our said Instructions to you, and who shall be at the time of Your Death or Absence residing within our said Province of New York, shall take upon him the Administration of the Govern^{t} and Execute our said Commission and Instructions, and the several powers and Authorities therein contain'd, in the same manner and to all intents and purposes, as other our Governor or Commander in Chief shou'd or ought to do, in case of Your Absence, untill Your Return, or in all cases untill our further pleasure be known therein.

And we do hereby Declare, Ordain and Appoint that you the said Robert Hunter shall and may hold, execute and enjoy the office and place of Our Captain General and Governor in Chief in and over our Province of New York, and the Territories Depending thereon, together with all and singular the Powers and Authorities hereby Granted unto you, for and during Our will and pleasure.

And whereas there are divers Colonies adjoyning to Our Province of New York, for the defence and security whereof, It is requisite that due care be taken in the time of War; We have therefore thought it further necessary for our service, and for the better protection and security of Our Subjects inhabiting those Parts to constitute and appoint, and We do, by these presents constitute and appoint, you the said Robert Hunter to be Our Capt^{n} General

and Commander in Chief of the Militia, and of all the forces by sea & land within Our Colony of Connecticut, and of all our Forts and places of Strength within the Same.

And for the better ordering, governing and ruling Our said Militia, and all Our Forces, Forts and Places of Strength within our said Colony of Connecticut, We do hereby Give and Grant unto you, the said Robert Hunter, And in Your Absence to Our Commander in Chief of our Province of New York, All and every the like powers as in these Presents are before Granted & Recited, for the ruling, governing and Ordering Our Militia and all our forces, forts and places of strength within our said Province of New York, to be exercised by you the said Robert Hunter, and in Your absence from our territory and Dominion of New York, by our Commander in Chief of our said Province of New York, within Our said Colony of Connecticut, for and during our pleasure. [In Witnesse whereof we have caused these our Letters to be made Patents Witnesse Our selfe at Westminster the Nineteenth day of October in the Eighth yeare of Our raigne.

By Writt of Privy Seale.

Wrighte.]

[The words within brackets in the preceding document are, after collation, added from the Official instrument recorded in the Secretary's Office. *Commissions*, IV., 22.— Ed.]

Board of Trade to the Earl of Sunderland.

[New-York Entries, G. 431.]

To the R^t^ Hon^ble^ the Earl of Sunderland.

My Lord,

Having in Obedience to Her Majesty's Commands transmitted to Your Lord^p^, with our letter of the 15^th^ Instant, the Draughts of Commissions to Col^l^ Hunter to be Gov^r^ of New York and New Jersey, We have now prepared the Draughts of Instructions for those Governments: But whereas therein is contained a Clause which relates to the Pressing of Seamen, upon which we have some Doubt, We take leave to Observe.

That the *Act for the Encouragement of the Trade to America*, past in the sixth year of Her Majesty's Reign Enacts, "that no Mariner or other Person who shall serve on board, or be "retained to serve on board any Privateer or Trading ship or Vessel that shall be Imployed "in any Part of America, nor any Mariner or other person being on shore in any Part thereof, "shall be liable to be Impressed or taken away, or shall be impressed or taken away by any "Officer or Officers of, or belonging to, any of Her Majesty's Ships of War, impowered by the "Lord High Admiral, or any other person whatsoever, unless such mariner shall have before "Deserted from such Ship of War, belonging to Her Majesty at any time, after the fourteenth "day of February, one thousand seven hundred and seven, upon pain that any Officer or "Officers so Impressing or taking away, or causing to be Impressed and taken away, any "mariner or other person contrary to the tenour and true meaning of this Act, shall forfeit to "the Master, or owner, or owners, of any such Ship or vessel twenty pounds for every man "he or they shall so Impress or take, to be recovered with full costs of the Suit, in any Court "within any Part of Her Majesty's Dominions." This as was conceived might be construed

to extend to the taking away the power from the Governor of impressing Seamen in all cases whatsoever; which opinion seems to be favoured by Another Clause in the said Act for furnishing Seamen to serve or Board Her Majesty's Ships of War in America, a Copy whereof is here Inclosed. But as M^r^ Attorny and M^r^ Solicitor General have given to the Right Hon^ble^ the Lord High Admiral a different Opinion, upon some papers we have transmitted to his Lord^p^ We here Inclose Copies of the said Opinions, and of the Papers therein referred to; As likewise a Copy of that Clause in the Instructions, that Your Lord^p^ may please to Receive Her Majesty's pleasure, whether the said Clause shall be continued in the Instructions or not.

We are, My Lord,

Whitehal
Sept^r^ the 29^th^ 1709

Your Lord^ps^ most humble Servants.
PH. MEADOWS. JN° PULTENEY.

Opinion of the Solicitor General on the Law of Impressment in the Colonies.

[New-York Entries, G. 429.]

I have perused and considered the late Act of Parliament for the Encouragement of the Trade of America, together with the Extract of a letter from Col^l^ Ingoldsby Lieutenant Governor of New York to the Lords Commission^rs^ of Trade and Plantations, and of the opinions of the Council, Chief Justice, & Attorny Gen^l^ of that Province; and also an Extract of the Lord Lovelace's Instructions for the Governm^t^ of New York, and am of opinion that the Civil power of mariners in America is not restrained by that Act; The words of the Clause upon which the question arises are these

> " Tis enacted that no marriner or other person who shall serve on Board, or be retained to serve on board, any Privateer or Trading Ship or Vessel that shall be employed in any Part of America, nor any mariner or other person, being on shore in any part thereof, shall be liable to be Impressed or taken away or shall be impressed or taken away, by any Officer or Officers of, or belonging to any of Her Majesty's Ships of War, Empowered by the Lord High Admiral, or any other person whatsoever, unless such mariner shall have before deserted from such ship of War, belonging to her Majesty at any time after the Fourteenth day of February one thousand seven hundred & seven upon pain that any officer or officers so Impressing or taking away, or causing to be Impressed or taken away any Mariner or other person contrary to the tenour and true meaning of this Act, shall forfeit to the Master or Owner or Owners of any such Ship or Vessel twenty pounds for every man he or they shall so impress or take, to be recovered with full costs of suit in any Court within any Part of Her Majesty's Dominions.

Now 'tis my humble Opinion that this Clause Extends only to the Officers of Her Majesty's Ships of War, who are apt to [be] Irregular in the Execution of this Power and not to restrain the Soveraign Authority from Impressing Men for the public Service by Civil Officers; For Officers of or belonging to Her Majesty's Ships of war are the only persons prohibited, and the Penalty extends to no others; The Prohibition is not general, neither can any person be punished for transgression of this Act, but an officer of or belonging to Her Majesty's Ships of War; And taking all the Parts of the clause together, it can't be imagined that it was Design'd to take

away a Prerogative of the Crown, in which the common security of the Plantations is so much concern'd, by depriving the Gov^{r} in America, of the power of providing the necessary Supplies of Men, for her Majesty's Ships of War, sent for the protection of Trade, and the Defence of the Plantations.

R. Eyre. 17th Sept^{r} 1709.

The Chief Justice of New York's Opinion touching the impressing of Seamen for Her Majesty's Ships there.

In obedience to your Honors commands in Council the 18th Instant, I have considered the Case there stated and have perused the Statute entituled *An Act for the incouragement of the Trade to America* made in the 6th year of Her Majesty's reign. I have likewise perused a Statute made in the first year of the reign of King William and Queen Mary, entituled, *An Act declaring the Rights and Liberties of the Subjects, and settling the succession of the Crown*, wherein the Parliament declare in these words, viz^{t}

> That the pretended power of suspending laws or the execution of laws by the Regal Authority without consent of Parliament, is illegal.
>
> That the pretended power of dispensing with laws by Regal Authority as it hath been assumed & exercised of late, is illegal.

And I am of opinion that although the clause relating to the pressing men be particular as to the penalty therein mentioned; yet the prohibition is general as to all on shoar, except as therein is particularly excepted, & when any person offends against a prohibition in an Act of Parliament he may be punished by indictment, of [at] the Queen's suit or by action on the Statute by party grieved; and that no Commission or instructions can dispence with that Act of Parliament.

R. Mompesson

June 30th 1709.

The Attorny General of New York's Opinion relating to pressing of men.

In obedience to an Order of Her Majesty's Council here of the 18th Instant, for M^{r} Chief Justices and my opinion, I have considered of the Questions therein, and what I think relates to the same, and do find by Her Majesty's instructions in Council to the Governor that he is directed upon application made to him by the Captains of the Ships of War, ordered to attend this government to endeavour to supply them with such men as they shall want, and that by the Instructions of the Lord High Admiral to the Captains they are directed to apply to the Governor accordingly. I do perceive that the Captains here have now made frequent application to the Governor for to be supplyed with men whom they are in great want of, & to acquaint him that they are ordered by the Lord High Admiral to sail to Boston upon immediate service. I can't therefore but think it proper for the Governor by the advice of Her Majesty's Council here, to grant and direct warrants to the Constables and proper officers to take up such marriners or seamen in this Province, as do not belong to any merchant ships, privateers or vessels here, and so many if they can be had as will make up the complement for the two ships; and I take it that the late Act of Parliament only intended to secure the ships and vessels here, their men, and not to tye up the hands of the government from making provision for men of War; which seems to me likewise to be the judgment of Her Majesty's and the

Lord High Admiral's Council, because such instructions & directions are given, since that Act, and I shall always think it my duty to advise that all possible obedience be given to Her Majesty's Commands and those who act under her, and pay a great deference to what I apprehend to be the sence of the Administration at home; and by such a construction I see no inconvenience, for by it both the public service and trade may be taken care of, whereas it may be of great prejudice to the Queen's service if care be not now taken to supply the ships with men which the present necessity requires; and I hope that will the more justify me in this opinion, which I return in answer to the said Order of Council humbly submitting it to their better judgments.

Jn° Rayner
Her Majts Attorny Genl

New York
21. June 1709

Concurrence of Her Majesty's Attorney General with Mr Rayner's Opinion.

I approve of this opinion and do concur with Mr Rayner in it. Mr Mompesson seems to me to mistake the point by talking of the Dispensing power. The Question is, whether this Act do's forbid the Civil Magistrate from taking up Seamen for Her Majesty's Service; and I think it do's not.

Ja. Mountague.
Septr 15. 1709.

Copy of the 68th Clause of the late Ld Lovelace's Instructions.

And whereas upon Complaints made of the irregular proceedings of the Captains of some of our Ships of War in the pressing of seamen in several of our plantations We have thought fit to order and have given directions to our High Admiral accordingly, that when any Captain or Commander of any of our Ships of War in any of our said Plantations shall have occasion for seamen to serve on board our ships under their Command they do make their application to the Govrs and Commanders in Chief of our Plantations respectively, to whom as *Vice Admirals*, we are pleased to commit the sole power of impressing seamen in any of our Plantations in America or in sight of any of them. You are therefore hereby required upon such application made to you by any of the Commanders of our said Ships of War within our Province of Nova Casarea or New Jersey to take care that our said ships of War be furnished with the number of seamen that may be necessary for our service on Board them from time to time.

Copy of a Clause in An Act for the encouragement of the Trade in America.

And for the better furnishing seamen to serve on Board Her Majesty's Ships of War which shall be in or about the several parts of America for annoying the enemy and protecting the Trade there, it is hereby further enacted, that the Master or Commander of every trading ship or vessell and every Packet Boat which shall from time to time from and after the said twenty fifth day of April be outward bound and going for any part of America, shall be and are hereby obliged (at the desire of any of Her Majesty's Officers thereunto lawfully authorized and at the charges of Her Majesty, to receive on board and carry to the port or place whereto such trading ship vessell or packet Boat shall be so bound, and deliver to such officer or person

to whom they shall be assigned, any number of mariners seamen or other persons actually entered into Her Majesty's sea service and pay, (over and above the complement of mariners or seamen which such trading ship vessell or Packet Boat actually carries, on which shall be sufficient for navigating the same for such intended voyage, not exceeding the proportion of a fifth part of the number of such usual or sufficient complement of mariners or seamen) upon pain of forfeiting twenty pounds for every such seaman or mariner that he or they shall refuse to take on Board and carry, to be paid and recovered as aforesaid.

Report of the Gent^{n} of Her Ma^{ts} Councill for the Province of New York relating to Pressing of Men for Her Majesty's ships of Warr.

At a Council held in New York this 3rd July 1709.

PRESENT — The Hon^{ble} Rich^{d} Ingoldsby Esq^{r} L^{t} Govern^{r}
Coll: Wenham — M^{r} Phillipps
M^{r} Mompesson — Coll: Paretree.
Cap^{t} Provoost.

M^{r} Attorney Generall gave his opinion to the Lieutenant Governour on the Order of Councill of the 18th of June, M^{r} Cheif Justice likewise delivered his opinion on the said Order of the 18th of June.

Upon consideration whereof and of the Act of Parliament for the Encouragement of the Trade to America, it is the opinion of this Board that the Lieutenant Governor can not grant any order or warrant for impressing any marriner or other person who serves on board or is retained to serve on board any privateer or trading ship or vessell that is employed in this Province *or any marriner or other person on shoar in any part thereof*,* unless such marriner shall have deserted from some ship of War belonging to Her Majesty's Service [since] the 14 day of February 1707.

By Order
GEO. CLARKE.

*These are the words of the Act, but not at all the words necessary to be considered in this case — The Question is if the Act exempts persons on shoar not belonging to any merchant ship or privatier from being impressed by the Civill Magistrate. Commanders at sea are certainly forbid impressing any one, either on board any ship or on shoar; but if the government there have occasion to man a ship, upon any service, I don't think the American Act forbids the Civill Magistrate from impressing seamen who doe not belong to Merchant Ships or Privatiers.

JA: MONTAGUE.

(General Indorsem^{t}) New York
" Minute upon the Boards letter to y^{e}
" Earl of Sunderland of the 29th of Sept^{r}
" 1709; and other papers relating to
" a Clause in Col. Hunters Instructions
" about pressing of Seamen."
" Rec^{d} } 12 Oct. 1709."
" Read }

Memorial of Mr. Attwood, late Chief Justice of New-York.

[New-York Papers, y. z. Z 67.]

To y^e^ Right Hon^ble^ y^e^ Lords Cõmissioners for Trade and Plantations.

The humble Memorial of W^m^ Atwood by his late Majesty King William constituted Chief Justice of y^e^ Province of New York & Judge of that & several adjacent Vice Admiralty Courts, in behalf of himself, Col Abraham de Peyster & Capt. Rob^t^ Walters two other Judges of y^e^ Supreme C^t^ there, D^r^ Staats one of y^e^ Council M^r^ Abraham Governour Speaker of the two last regular Assemblies, and y^e^ rest of that Province who have manifested their zeal for our p^r^sent happy Establishment.

D^r^ Staats and M^r^ Governeur w^th^ M^r^ Prevoost now of the Council of New York, & others, having by a petition to this Board some time since lodged w^th^ Her Maj^s^ principal Secretary y^e^ Earle of Sunderland, begg'd your Lord^ps^ (were it onely out of regard to y^e^ injured memory of their former excellent Governour y^e^ Earle of Bellom^t^ & to those measures w^ch^ he took w^th^ the approbation of this Board for establishing y^e^ peace & wellfare of that Province) do give credit in their behalves to y^e^ accounts w^ch^ they are well assured would be faithfully given by M^r^ Atwood Esq^r^ who they say, "while he was permitted to exercise the office of Chief Justice & Judge "of y^e^ Admiralty among them shew'd such impartiallity, knowledge of y^e^ laws and unwearyed "diligence, as made them earnest petitioners to yo^r^ Lord^ps^ to procure his restitution unto "them w^th^ safety in that station to w^ch^ his late Maj^ty^ of glorious memory had graciously "appointed him" the said W^m^ Atwood thinks it incumbent on him, at this favourable juncture, to lay before yo^r^ Lord^ps^ such matters as may tend to the good of a Province whose interest deservedly lyes at his heart aswell to the vindication of himself & others who could not but lament y^e^ death of y^e^ Earle of Bellomont before he had finish'd that happy settlement he had far advanced, as they do the L^d^ Lovelace's, *before*, as D^r^ Staats & M^r^ Governeur express themselves, *he could put any of his good designs in execution.*

The Earle of Bellomont finding that Province in as great disorders as now, fomented by y^e^ Chief authors of y^e^ p^r^sent, found it necessary to suspend from y^e^ Council M^r^ Nichols, y^e^ warm Speaker of y^e^ two last Assemblies (y^e^ elections to w^ch^ at New York were influenced by y^e^ soldiers unduely brought as voters & in an undue manner) w^th^ Colonel Bayard y^e^ Dutch head of a p^r^tended English party, M^r^ Pinhorn y^e^ p^r^sent Chief Justices father in law, & two others; w^ch^ suspensions were confirmed by y^e^ L^ds^ Justices who further ordered those 5 to be amoved from all places of trust within y^e^ Province; Notw^th^standing y^e^ suggestions of merch^ts^ here complaining of y^e^ changes then made.

From w^ch^ tyme, as well as before, y^e^ 3. of those 5. now living, have ever been restless in opposing all methods directed from hence, for freeing y^t^ Province from y^e^ disturbances rays'd by them & their adherents.

As this Board rep^r^sented to y^e^ L^ds^ Justices by a memorial of y^e^ 19^th^ of October 1698 "the "long encouragement y^e^ people there had in many illegal practices was grown so great, & y^e^ "opposition rays'd ag^st^ y^e^ Earl of Bellom^t^ for endeavouring to redres y^e^ same and to lay open "y^e^ guilt of those who have been chiefly concerned therein so strong, that unless His Lord^p^ "were particularly countenanced & speedyly supported by their Excellencies authority in

" discharging his duty & that all or at least y^e^ chief of those who have been most guilty of y^e^
" miscarriages there mentioned be discouraged censur'd or punish'd, as may be found necessary,
" it would be impossible for his Lord^p^ to effect any thing of moment w^ch^ could be truely for
" his then Maj^ties^ service or for y^e^ good of y^e^ Province it self."

For assisting His Lordship this Board afterwards rep^r^sented it as necessary that a Chief Justice & Attorney General should be sent from hence, & y^e^ s^d^ W^m^ Atwood not being unknown in Westminster Hall, or at y^e^ Bar of y^e^ House of Peers, was appointed Chief Justice, w^th^ a salary of 300£. a year instead of £500 w^ch^ would have been if the L^d^ Chancellor who nominated him had continued. He was aware how precarious such an office, dureing pleasure, in parts so remote, must needs be; yet the assurance of this Board that he should not be amov'd while he faithfully discharged his duty, & his confidence that God would enable him, as He had, to be an Advocate for the cause of his country in the worst of times, encouraged him to venture.

Soon after the entring upon his Office w^ch^ was not till y^e^ 5^th^ of August 1701, he found it could not be faithfully executed w^th^out great application & the utmost hazard.

Ever since the Earle of Bellomont's death, the people & practices restrained by his Lordship had got head: and the laws of trade having been totally neglected, the severall sentences w^ch^ he was obliged to pass & cause to be executed, occasion'd his being look'd on as an invader of their properties: yet no one appeal has been carryed on.

But y^e^ cheif ground of the obloquy w^ch^ the few aggrieved, in comparison w^th^ the body of the people, propagated among their correspondence here, was his vindicating the right of his Prince & the Administration under him; whom several, animated by an imôderate Clergyman bred a dissenter, rep^r^sented as a Dutch King & too much inclined to those of Dutch extraction. At y^e^ head of y^e^ seeming zealots for an English interest was Bayard a Dutch man, next to him was passionate M^r^ Nichols.

These two were the foremost in solliciting the execution of Capt^n^ Leisler for p^r^tended high treason, bearing him a mortall grudge as y^e^ Representatives of y^e^ Province say in a printed Address " For their having been imprisoned for opposing the late happy revolution, endeavouring " to raise a tumult among the people, & telling M^r^ Leisler that y^e^ Parliament of England's voting " & enacting y^e^ Throne's being vacant was nonsense." M^r^ Nichols who constantly mainteined this opinion having failed in his attempt to be Speaker of the last regular Assembly, after he had joyned w^th^ y^e^ rest in p^r^senting M^r^ Governeur for Speaker finding himself likely to be turn'd out of y^e^ House as not duely return'd, p^r^vail'd w^th^ his friends to desert y^e^ Assembly & protest against it as illegall, upon pretence that y^e^ Speaker was an Alien, tho' as they all well knew y^e^ same objection being made in y^e^ Year 1689 it appeared to the then Assembly that he had been naturaliz'd by virtue of an Act made in the year 1683.

Yet as M^r^ Governeur is likely as long as his great Abilities continue to be Speaker of every Assembly fairly chosen, M^r^ Nichols & his adherents will ever make use of this as an handle for disturbances, unless p^r^vented by knowing the sense of this Board.

M^r^ Nichols and his friends having turned themselves out of y^e^ Assembly, & writs issuing for new Elections, y^e^ Sherif of y^e^ County for w^ch^ he had been return'd, instead of executing his then Maj^ties^ writ, sent up a remonstrance against y^e^ Assembly, chiefly grounded upon y^e^ baffled p^r^tence of M^r^ Governeur being an Alien. And 3 persons return'd in y^e^ rooms of 3 others, joyned in a like remonstrance; and all who had opposed the revolution & had felt some effects of y^e^ Earl of Bellomont's zeal for y^e^ service of y^e^ Crown labo^r^ed to have it pass as the generall

sense of that Province, that his Lord^{p} layd y^{e} foundation of all their grievances, that these were continued by those who then administered y^{e} Government, & that in their exercise of power they had violated y^{e} laws, oppress'd y^{e} people & renderd themselves contemptible.

To this end, they for a shew took y^{e} hands or marks of boys, travellers & officers & common soldiers in garrison. Some sign'd onely to rolls or lists of names, to be applyed as y^{e} conspirato^{rs} thought fit, & all y^{e} names were tacked to y^{e} most virulent lybels, under y^{e} colour of petitioning the then King, the House of Cômons & y^{e} Lord Cornbury, before he was vested wth any authority.

As they themselves printed that to y^{e} House of Cômons, they charged y^{e} Earle of Bellomont wth *implacable vengeance* & that "he projected the reduceing y^{e} whole plantation to poverty & "misery by spoyling & eradicating all *foundations of property*." They say "God Almighty of "his infinite mercy to that poor Province was graciously pleased by his death to put an end "to his projects; yet y^{e} stains of his *artifice and improbity* had a deep tincture left amongst "them, & still continued to disturb & perplex y^{e} peace & tranquillity of that Colony, that y^{e} "government as then circumstanced had countenanced y^{e} *Alien* & his party, who continued to "sit and act as an Assembly, altho two thirds of y^{e} Freeholders & inhabitants of y^{e} Province "*absolutely refused to acknowledge them as such*, that in this *p^{r}tended sessions* of Assembly they "pass'd several bills tending to y^{e} destruction of y^{e} *properties freeholds & inheritances* of His "Majesties subjects.

"These corruptions," say they, "in y^{e} Legislative powers have unavoidably drawn this our "Petition to a great length, being y^{e} source from whence y^{e} many miscarriages & enormities "in y^{e} Exective proceed, too many to enumerate." And as was proved in one of their lybells they alledged that y^{e} government was rendered *vile and cheap in y^{e} eyes of y^{e} People.*

The raysing sedition among y^{e} soldiers w^{ch} alone was treason at comôn law, y^{e} endeavouring to obstruct y^{e} exercise both of y^{e} legislative & executive powers, & inciting numbers met at publick houses to disown & contemn y^{e} authority under y^{e} Crown what ever it might be adjudged upon y^{e} Statute of the 25th of Ez. [23^{d} of Eliz.] was so apparently within an Act of Assembly confirmed here making it high treason *by any manner of way or upon any pretence whatsoever to endeavour by force of arms or* OTHERWAYS *to disturb y^{e} peace good & quiet of the government there;* that no man who has read y^{e} Act can question it.

Yet it may appear that y^{e} Lieuten^{t} Governo^{r} Col De Peyster D^{r} Staats, y^{e} Chief Justice and others of y^{e} Council were not transported by any intemperate zeal for y^{e} public, or did more than they thought all men in such posts ought to do upon like emergencies.

It appearing by y^{e} oaths of several soldiers that at one place they had been drawn in to sign those lybels by one Hutchins, who treated them & promis'd they should be made free of y^{e} City; Hutchins was requird to produce y^{e} lybels w^{ch} he pretended he could not; yet was cômitted only for misdemeano^{r} & that but till he should produce them.

Soon after Bayard & French since deceased, wth Wenham & Rip Van Dam, y^{e} 2 last now of the Council by way of petition demanded Hutchins to be set at liberty, for that y^{e} papers were in their hands, & they would justify them in a proper place; they were from time to time put to consider whether they would deliver them, but obstinately refusing, were required to find sureties for their good behavio^{rs}, of whom 2 absenting themselves, were by Act of Assembly required to appear on y^{e} penalty of outlary, & y^{e} proofs shewing Bayard to have been y^{e} Chief promoter of that disturbance of y^{e} government, he was admonished to consider of the Act of Assembly made at y^{e} instance of himself & his friends, by w^{ch} such disturbances of y^{e} good,

peace & quiet of y^e^ governm^t^ were high Treason. The sayd late Chief Justice freely owns he causd that Act to be read, in hopes it might put a check to their insulting y^e^ Administration, & that since no persuasion could prevail on them to desist, the teno^r^ of y^e^ law might. Neither did he prove mistaken; for they who he had contemned y^e^ King's authority were driven to seek his mercy thro' y^e^ mediation of those whom they had traduced.

But this Board, who held M^r^ Nichol's second step to the exciting those disorders, to be an insolency w^ch^ ought to be prosecuted w^th^ vigo^r^ as may appear by a letter to y^e^ s^d^ W^m^ Atwood of y^e^ 29^th^ of January 170½ would certainly have thought the persons entrusted w^th^ y^e^ Administration very remiss if they had stop'd after they were dared to proceed. This must needs have argued a fear to be condemn'd & would have givn reputation to y^e^ false musters by w^ch^ y^e^ few malcontents labour'd to impose upon a Governo^r^ soon expected, as if he would be under a necessity of useing them chiefly, who had onely not carryed their open disowning his Prince's right to y^e^ last extremity.

'Tis certain y^e^ unforeseen obstinacy of Bayard seemd at least to y^e^ calmest considerers there to necessitate his cómitment for high treason, w^th^ w^ch^ & y^e^ examinations of soldiers and others, this Board was acquainted by y^e^ first opportunity, and copies of y^e^ warrant & y^e^ act upon w^ch^ it was grounded being on y^e^ 22^d^ of April 1702, sent to S^r^ Edward Northey then Attorney Generall, he certifyed his opinion that y^e^ warrant was sufficient in form to charge Bayard w^th^ high Treason.

Bayard & Hutchins afterwards charged with y^e^ same treason were tryed & condemned, & as this had y^e^ onely effect aimd at, next to y^e^ example in bringing them to confess their guilt, no man was more instrumental than y^e^ s^d^ late Chief Justice in rep^r^senting them objects of y^e^ Royall Mercy; as may appear by a letter to this Board from the Lieuten^t^ Govern^r^ & Councill penned by him. All the soldiers except one Lieuten^t^ since made a Captain by y^e^ removal of a man of merit, were convinced of y^e^ lenity of y^e^ Administration, & returnd chearfully to their duty; and this conquest over the obstinacy of y^e^ chief offenders was matter of ovation to y^e^ body of y^e^ people.

But y^e^ English Minister fearing he might be questioned for seditious discourses, out of pulpit at least, if not in it, w^th^ Wenham & Barbarie a French man combind with him in their way of trade & opposition to y^e^ happy settlement of y^e^ Province, & M^r^ French who livd to be weary of y^e^ possession he & his few friends took of y^e^ L^d^ Cornbury, went out the Province to meet him, & if they had not come back w^th^ his Lord^p^ that Province, where now he governs his party more absolutely while in custody of a Sherif of his making then he did when they felt his power, might have largely shared in the blessings w^ch^ Her Maj^ty^ diffuses thro' out her dominions.

The then Sherif having, in compassion to Hutchins who had been in a dying condition, taken him to his house, the Lord Cornbury for a while kept y^e^ Sherif prisoner in y^e^ Fort, for refusing to set Hutchins at liberty; and calling a Council declared his pleasure to turn out the Sherif for his disobedience & cómit his power to y^e^ Coroner. Against this y^e^ Chief Justice could not but remonstrate w^th^ his Lord^ps^ calling y^e^ revolution there, by turning out Col. Nicholson & others in power after y^e^ Abdication, a damned Rebellion, His Lord^ps^ assuming to himself alone y^e^ jurisdiction of Chancello^r^ & countenancing y^e^ Mayo^rs^ illegally bringing y^e^ soldiers into the freedom of y^e^ City.

In opposing these first advances towards the power that L^d^ exercised, y^e^ Chief Justice had y^e^ concurrence of D^r^ Staats, M^r^ Weaver, after that Chief of Gamby, Col De Peyster & Capt

Walters. Whereupon y^e^ L^d^ Cornbury w^th^out any one previous oath & before they could have opportunity of being heard, on y^e^ 9^th^ of June 1702, suspended all 5 from y^e^ Council & y^e^ Chief Justice, Col De Peyster & that worthy Englishman Capt^n^ Walter from being Judges in y^e^ Supream Court.

W^ch^ his Lords^p^ could not have don w^th^out y^e^ consent of y^e^ then Attorney Gen^l^ (whom y^e^ s^d^ W^m^ Atwood had y^e^ misfortune to nominate to y^e^ then Chancellour, & of y^e^ former Chief Justice, deluded w^th^ a short restitution; not being aware that y^e^ L^d^ Cornbury had desired y^e^ Earl of Nottingham by y^e^ first opportunity to sign a warrant for D^r^ Bridges; w^ch^ was done before y^e^ suspensions could be known here. The s^d^ W^m^ Atwood having no power to execute his office came for England as soon as he could, & applyed himself to this Board, w^ch^ he found much altered since he received y^e^ above mentioned letter conteining assurances of great satisfaction in his proceedings, & that he should not want such protection in y^e^ performance of his duty, as their Lord^ps^ were able to give him. He therefore begd leave to lay before them the articles w^ch^ y^e^ L^d^ Cornbury deliverd him, after his suspension pronounced, w^th^ direct answers to y^m^, but was put off till papers from y^e^ L^d^ Cornbury should arrive. After w^ch^ some were transmitted signed by one Honan, whose character has been so well known that y^e^ L^d^ Cornbury was admonished by this Board not to use him.

Upon notice that y^e^ papers were come the s^d^ late Chief Justice & M^r^ Weaver applyed for copies, but till her Maj^ties^ positive order they were denyed them, unless they would admit those inauthentic papers to be evidence. Before this, M^r^ Weaver (who upon y^e^ Attorney Gen^ls^ incapacity had been made Sollicito^r^) was joynd with M^r^ Atwood in a sûmons before a Comittee of Council to answer y^e^ petition of Bayard & Hutchins. Upon w^ch^ Chief Justice Holt put their agent Lodowic to shew cause why he should not apply for writs of errour. He instead of that method hastned a Report from y^e^ then Lords Cômissioners, tho' M^r^ Weaver & the s^d^ W^m^ Atwood were never heard, that their Lordships were satisfyed in y^e^ L^d^ Cornbury's reasons for suspending y^e^ 5 from y^e^ Council, w^th^out medling w^th^ y^e^ office of any of them; & onely recommending in their rooms in Council 5 others as nominated by y^e^ L^d^ Cornbury.

The Chief reason alledged for this change, tho' others might be at the bottom, was their promoteing or consenting to several Acts of Assembly, w^ch^ if there had been opportunity, might have been shewn to be usefull & expedient. In y^e^ promoting w^ch^ as might have appeard, D^r^ Staats and M^r^ Governeur, upon whose judgments y^e^ sound part of y^e^ province chiefly rely, were not provoaked be y^e^ outrages of others, to depart from their known moderation & care for y^e^ prosperity of that Province. M^r^ Weaver & M^r^ Atwood, w^th^out their seeking, had a day given 'em to be heard before her Maj^ty^ in Council, against their suspensions from the Council of New York; This Board not having meddled w^th^ their offices, neither was there any mention of their friends in that sûmons. Before y^e^ day appointed for hearing those two persons onely, an order was obteined that y^e^ papers signed by Honan should be read, tho' agreed to be no evidence. But, as S^r^ Edward Northey sayd, upon opening what he could pick out as most slanderous and citeing part of M^r^ Atwood's charge against the L^d^ Cornbury, they were not read for any censure upon M^r^ Atwood, but to shew y^e^ L^d^ Cornbury & he could not stand together in y^e^ same governm^t^ Nothing more was conteined ag^st^ D^r^ Staats that [than] his signing a warrant, w^ch^ S^r^ Edward Northey had agreed to be legall, nor ag^st^ Col. De Peyster & Capt. Walter than that they concurred with M^r^ Atwood in giving judgment of high treason upon indictments against which neither S^r^ Edward Northey nor S^r^ Simon Harcourt could raise the least objection.

Indeed an irregularity was pretended to be found in the proceedings, because y^e^ Grand Jury, consisting of 19 after they had all presented y^e^ indictments endorsed Billa vera, w^ch^ were so recorded w^th^out any opposition, 8 of them expressed a doubt whether the facts of w^ch^ no one made any question amounted to treason. Neither this Board nor any L^d^ of Her Ma^ts^ Councill except the Secretary, appears to have known that D^r^ Bridge's warrant had been signed several months before, and y^e^ removal of M^r^ Atwood & his friends from the Council of New York to make room for such as y^e^ then Governo^r^ chose, could not be interpreted a confirmation of y^e^ suspension from his Offices, even that of y^e^ Vice Admiralty Court, w^ch^ he loss'd for a vigorous execution of y^e^ laws of trade.

Having submitted to his hard fate till a new Governour was appointed, he then humbly petitioned Her Maj^ty^ for being restored to his former offices, hopeing he had don nothing to incurr her displeasure. His petition Her Ma^ty^ was most graciously pleased to referr to y^e^ now Attorney Gen^l^ S^r^ James Montague to consider thereof & *report his opinion what may be fitly don therein;* w^ch^ he did, in a manner so becoming himself that y^e^ s^d^ M^r^ Atwood & his friends could make no doubt but Her Maj^ty^ would declare her pleasure in his favo^r^.

But y^e^ last Governo^r^ thro' y^e^ artifices of Lodowick & his Lords^ps^ private Secretary Cockerell was p^r^vaild on to desire the report might not be layd before Her Majesty till his Lord^p^ could know the sense of people at New York, & then, thinking Lodowic's friends would make good y^e^ character given of 'em here, his Lord^p^ to humour them recomended M^r^ Mompesson put in by the L^d^ Cornbury, not foreseeing y^e^ necessity his Lord^p^ would soon find, of removing that Chief Justice from one of y^e^ Provinces under y^e^ same Governo^r^. D^r^ Staats & Capt Walter w^th^out Col. De Peyster (who had been restored to y^e^ Council & by the Lord Cornburie's adherents p^r^vaild on to take a post inconsistent w^th^ that regard to y^e^ Crown to w^ch^ the Col. is of himself disposed) by petition to y^e^ L^d^ Lovelace set forth y^e^ injustice of y^e^ suspensions which occasioned their removals. To w^ch^ y^e^ L^d^ Cornbury delayd giving any sort of answer till y^e^ D^r^ was absent, & it might be thought y^e^ L^d^ Lovelace could not live to hear y^e^ Complaint.

Tis past dispute that they would have been restored if the L^d^ Lovelace had lived; & y^e^ earnest desires exprest in y^e^ above mentiond petition to this Board & a letter to y^e^ s^d^ W^m^ Atwood from D^r^ Staats & others whom that noble Lord found y^e^ best qualifyed & disposed for y^e^ service of Her Maj^ty^ & promoting y^e^ good of that Province, 'tis humbly hopd may remove all prejudices against y^e^ person, who, they say, is now wanted to help settle matters. He well knows so wise & excellent a Governo^r^ as is now appointed stands as little in need of helps, as is possible for any Governo^r^, but w^th^out a well disposed Councill & Magistracy he can effect nothing considerable but by miracle. For y^e^ removing the men now possessd of the power there, besides that several of 'em came into y^e^ places of others removd w^th^out any such hearing as all laws seem to require, 'tis submitted to consideration whether they do not all stand in need of Her Maj^ties^ pardon for the p^r^munire at y^e^ least w^ch^ they have incurred by joyning towards pretended laws w^th^out colo^r^ of authority from Her Ma^ty^ whether in those w^ch^ they have caused to pass for laws, in matters where y^e^ law of necessity could afford no plea they have shewn any regard to Her Maj^tys^ prerogative or to the prosperity of the Province, & whether the now Chief Justice who has been over scrupulous, where y^e^ exigencies of y^e^ public, joynd w^th^ the known prerogative of y^e^ Crown, might justly have p^r^vaild ought not to have remonstrated against y^e^ illegal proceedings under Major Ingoldesby, who too much revives the memory of the disorders w^ch^ he & most of his p^r^sent supporters occasioned when he formerly assum'd the government w^th^out the least shadow of pretence to it.

From that set of men it can never be expected that y^e^ customes should be granted, or any stop put to y^e^ confusions & artifices necessary to make y^m^ look w^th^ any figure in y^t^ Province; but the said W^m^ Atwood takes leave to rep^r^sent that D^r^ Staats & M^r^ Governeur w^th^ their numerous friends have upon & ever since the Revolution there, done every thing w^ch^ could be expected from y^e^ best of subjects possessed of y^e^ true interest of y^e^ province, they if trusted with opportunities would effectually promote whatever so good a Governo^r^ shall propose for the service of Her Maj^ty^ & the good of that part of her dominions

And whatever may be thought of the s^d^ late Chief Justice's abilities, he is well assured his true zeal can never be calld in question, neither, as he humbly hopes, has he don any thing to forfeit that opinion of him w^ch^ had formerly been entertained at this Board. If any aspersion thrown upon him may in the judgments of yo^r^ Lord^ps^ require him to give a more particular answer or further to support what he has asserted, he begs yo^r^ Lord^ps^ to afford him an opportunity, and that your Lord^ps^ will compassionately consider y^e^ case of a Counsellor & a Judge, who finding his Prince and his authority reviled & insulted, & his enemies as they seemed at least by their actions, by undue means thrusting themselves into power, did apparently w^th^out design against any man's life or estate, use such methods as he thought legal & necessary to secure y^e^ peace and vindicate y^e^ authority of his Prince. If no regard ought to be had of him as standing alone, he begs he may be looked on as a faithful Advocate for a misrep^r^sented Province, & that for y^e^ sake of those who hereafter may be put upon such hazardous employments, & that they may not by y^e^ circumstances of his case be deterred from acting w^th^ the like integrity, yo^r^ Lord^ps^ would please to forward that gracious disposition to receive what might be offered in the s^d^ late Chief Justices favo^r^ w^th^ w^ch^ Her Maj^ty^ directed M^r^ Attorney to report his opinion, who has certifyed "That y^e^ L^d^ Cornbury suspended the "said W^m^ Atwood, till Her Ma^ties^ pleasure should be known, w^th^out hearing what he had to "say against the passing such sentence upon him, that M^r^ Mompesson is to enjoy y^e^ office "onely till Her Ma^tys^ pleasure shall be known, w^ch^ he doth not find hitherto signifyed, that he "humbly conceives it fit for Her Ma^ty^ to make known her royal intentions concerning this "officer who holds so considerable a post in y^e^ Government of that Province, & if Her Maj^ty^ "shall be gracious pleasd to restore y^e^ Petitioner to y^e^ Offices mentioned in his petition (for "w^ch^ M^r^ Attorny dos humbly apprehend he is well qualifyed) Her Maj^ty^ may order a warrant "to be prepared to authorize and require the p^r^sent Governo^r^ of New York to cause Letters "Patents to be passd for granting him the sayd Office. And the Province of East & West "Jersey lying so near & being now under the same Governo^r^ he humbly conceives it may be "convenient the same person be Chief Justice of both & Judge of the several Vice Adm^ties^ "mentioned in y^e^ petition."

Of all which, w^th^ pardon for y^e^ unavoidable length of this trouble, yo^r^ Lord^ps^ favourable consideration is implored, by

W^m^ Atwood.

(Indorsed)

M^r^ Atwood's memoriall of the present state of New York and in behalf of himself, Col De Peyster, Cap^t^ Walters, D^r^ Staats & others:

Recêd. } 26 Octo^r^ 1709.
Read }

Order forbidding Grants of Land by the President of the Council of New-York.

[New-York Entries, G. 443.]

ANNE R.

Trusty and Well Beloved We Greet you well; Whereas We have been Informed that several undue Grants of lands in that our Province of New York have been passed since the death of Our Right Trusty and Well Beloved John Lord Lovelace, Our Governour thereof. For the preventing the like abuse for the future We have thought fit with the Advice of our Privy Council to order that no Grants of Lands be made or past in our said Province, till the Arrival there of Our trusty and Well Beloved Robert Hunter Esq^{r} whom we have been pleased to appoint Governour thereof; and Whereas we have thought fit to revoke, annul and Determine the Commission we had formerly granted to Richard Ingoldesby Esq^{r} constituting and appointing him Lieu^{t} Gov^{r} of our said Province, and the Administration of the Government thereof will thereby devolve upon you. We do therefore by these Presents declare unto You our pleasure concerning the Premises strictly commanding and requiring you to forbear passing any Grants whatsoever of any Lands in Our said Province, of which you are to take due notice, and to yield Obedience thereunto accordingly. And so We bid you fare Well. Given at our Castle of Windsor the nine and twentieth Day of October 1709, in the Eighth Year of our Reign.

By Her Majesty's Command

SUNDERLAND.

Superscribed

To Our Trusty and Well Beloved
the President of our Council in
Our Province of New York, in
AMERICA.

Observations of Mr. Cockerill on Land Granting and the Revenue in New-York.

[New-York Papers, y. z. Z 82.]

Some observations in relation to severall grants of land at New York.

1. Grants have been made of all the lands that could be discouvered, some of them very larg tracts and in all that are good and valuable M^{r} Fauconier or M^{r} Bridges and sometimes both are Pattentees.

2. Grants have been made of such lands as should hereafter be discovered as to Capt Lancaster Symes of all the unpatented lands on Staten Island, by which means several poor persons who were by the permission and connivance of the government settled on small tracts of land where neither the persons nor lands were of value to pay the fees of a patent, are lyable and already threatned to be turned out of possession.

3 Where persons have by licence purchased lands from the Indians, their lands have been granted away to others. D^r^ Staats case concerning Wiwanda[1]

4 Grants have been made of lands formerly patented to others which former patents have thereby (as far as in the Govern^r^ and Council lys) been set aside, so was Newton patent in effect declared void, tho under the seall of the Province, because not found on the records tho' indorsed by the then Secretary to be recorded. But part of the lands contained in that Patent were since granted to the town of Bushwick for 300£ (as tis said) other part to M^r^ Bodinot in discharg of £300 due for part of Lady Cornbury's funeral, other part to M^r^ Bridges Capt. Ask, M^r^ Hooghland, M^r^ Milward and others for 400£. Lands between highwater and low water mark on Long Island lately granted to y^e^ City of New York for £300, being the lands lately in possession of several inhabitants tho' now covered with sea, the land being wash'd away.

5. Some or at least one grant has been made without advice of Councill, which is conceived to be against the Queen's commission or Instructions, as the house in the City of New York lately burnt down, said to belong formerly to Governour Lovelace and no person claiming from him as heir at law, the same was seized for the Crown and lately granted privately to Wilson & Ask &^c^

In relation to the Revenue.

1 The Act says for the better defraying of the publick and necessary charges and expences of the Province, the money is raised. By the Govern^rs^ Instructions he is not to permit any of the revenue to be issued forth but by order from himself by Advice of Her Maj^ties^ Councill. Hence it followed that whatever was proposed by the Gov^r^ to the Councill and consequently whatever M^r^ Fauconier demanded was allowed of by the Councill, and warrants granted accordingly. So the extravagant charges of one voyage to Albany amounted to near £2200. and no stint was put to the expense of fire wood and candles for the Fort.

2 The Officers of the Government and others to whom money is oweing on Warrants think the late Act for refunding £711. 5. misapplyed in the £1800 Tax, very grievous on them, being to be raised out of the Revenue which should grow due on or before the 3^d^ of December then following, being to reimburse Coll. Wenham and M^r^ Fauconier who had misemployed £500. and upwards in y^e^ £1800 Tax formerly rais'd for building Forts &^c^ on pretence that it was imployed for the Queen's service in payment of warrants which the Officers say were to defray the extravagant expences in the Albany journey, which if they ought to have been paid, should have given place to sallary warrants. Nor was there any reason to forestall the revenue and raise an interest of £10 p^r^ Cent. to be paid out of the revenue if that money had been imployed in paying sallary warrants then due. They say 'tis plain that Coll. Wenham and M^r^ Fauconier did not discharge their duty, and if they are any money out of pocket there is no reason they should be reimbursed out of moneys due to others who have discharged their dutys. And the question is, whether a revenue granted to the Queen can be taken from Her Ma^tie^ even by Act of Assembly without Her Ma^tie^ or the Lord Treasurer's express directions. The Officers likewise suffer 500£, and upwards by two sallarys being taken for y^e^ same office M^r^ Fauconier and M^r^ Byerley. If M^r^ Byerly's suspension was unlawfull, then M^r^ Fauconier must apply himself to him that set him at work, for his wages.

[1] Wawayanda Patent covers a part of the towns of Minisink, Warwick, Goshen, and Hamptonburgh, in Orange county. A full account of it will be found at p. 445 of Eager's History of that county. — Ed.

3. It is thought a hardship on the Officers of the Government that when Mr Byerley was suspended, Mr Fauconier should be put in Comn on purpose as they imagine that he should pay himself the £2000. or thereabouts which he pretended he disburst for ye Government; whereas if the same were bona fide due to the said Fauconier, which they deny, yet the sallary warrants ought first to be paid, and they thinke it still harder on them yt when Mr Byerley was restored 1 Febr: 170$\frac{8}{9}$. that Mr Fauconier should detain in his hands recognizances for excise due and payable 18 Feb. and 18th May following when the condition of those recognizances were for paymt of moneys to ye Queen's Collector or Receiver Generall, and they look on Mr Fauconier's pretence that the recognizances were burnt, to be a fraud to deceive the Queen.

(Indorsed)
" Transmitted by Mr Cockerill
" to the Earl of Stamford
" Recd 14 Novembr } 1709."
" Read 27 Decembr }

Colonel Hunter to the Lords of Trade.

[New-York Entries, G. 465.]

To the Right Honble the Lords Commissioners for Trade & Plantations

My Lords,

Having Received orders to lay before your Lordships what I had to offer in relation to the 3000 Palatines to be sent to New York, and the imploying of them there, I humbly beg leave to offer to your consideration the following particulars.

It being now resolved that these people shall be Imployed in Naval Stores, and good assurances had of a Fond requisite for setting of them to work that way. I desire Your Lordships opinion as to the places most proper for planting of them for that purpose, the Objections I have heard against Hudson's and Albany Rivers, and the Falls which render the Navigation difficult, most of the Lands below the Falls being granted away, and the purchasing of them from the present Grantees uncertain.

Piscataway Rivers or New Hampshire is undoubtedly proper for that purpose; but the Title to the lands being in Dispute between Mr Allen and the present possessors, Quere if it may not be of use to discourse with Mr Allen, to know upon what terms he will resigne his claims to the Crown, by which means the Inhabitants there may be Induced to yield the Lands without difficulty: Duke Hamilton who has a claim to a great part of Rhode Island and Connecticut, offers to resign his title also upon easy terms; his Agents shall attend Your Lordships if it be thought necessary.

Quenebeck River in the Northern part of New England is beyond all dispute the most proper place for that purpose, as well from the nature of its soyl and its produce, as for the considerable Fishing, but lying so remote from our own Plantations, and so near to the Enemies it will be difficult to plant them there; during the War.

I humbly propose in the next place that four persons sufficiently Instructed in the Methods of making these stores may be sent along with them to teach 'em the trade, and supervise the work, and that they have sufficient Sallaries allotted them for the time they shall attend the Service, and that Leave be given to whosoever is charged with the care of that affair, to imploy Commissaries and Clerks of Stores and other Officers Requisite and to allott them proportionable Sallaries out of the fonds for that purpose.

That a requisite Number of Cauldrons and such other utensils for Trade as cannot be had in our Colonies, be forthwith provided here, according to a List that shall be given in as soon as I can have Information in that matter, and that a Reasonable quantity of Hemp seed be also bought up and sent over that there may be as small Delays as possible in the Imploying these people on the other side.

The number to be transported being 3000 and housing for 'em at their landing being very uncertain, and no cover to be expected where they are to be planted untill they build themselves Hutts, I presume your Lordships will think it necessary that there be 600 tents at least sent along with them.

The stores formerly sent to New York being exhausted by the intended Expedition to Canada, and that People being to be planted on the Frontiers it will be absolutely necessary they be armed with 600 Firelocks & Bayonetts at least, from Her Majesty's Stores here, and a proportionable quantity of powder and shott, and other ammunition stores according to custome. Having upon this occasion particular reasons for managing the Indians it will be necessary that what Presents at least have been heretofore made to them, may be at this time renewed, as well for their good will in parting with these Lands that we may possess, as to ingage their assistance for the Defence of our Infant Colonies.

This is all that at this time I can recollect, necessary to offered to Your Lordships consideration, to which I humbly submitt the whole, being with all Honour and Regard, My Lords,

Your Lordships most humble
and most obed^{t} Serv^{t}
Ro. Hunter

London
Nov^{r} 30th 1709

Colonel Hunter to the Lords of Trade.

[New-York Entries, G. 469.]

To the Right Hon^{ble} the Lords Commissioners for Trade & Plantations.

My Lords.

What I have further to offer to Your Lordship's consideration and what I have formerly desired to know of the Ministry, is what follows;

When Your Lordships have determined in what place the Palatines are to be planted, You would be pleased to consider in what manner the lands are to be granted them, in what proportions and under what reservations, or whether it be not advisable that they be servants to the Crown for a certain Term, or at least 'till they have repaid the Expences the Crown is at in setting them to work, and subsisting them whilst they can not subsist themselves, and

afterwards the lands they possess to be granted them in fee, with the reservation of a reasonable Quit Rent to the Crown.

I have inquired more particularly into what is necessary to be provided on this side for carrying on that work, there is nothing besides Iron Kettles, Ladles and Tunnells for Pitch, Tarr and Rozin. I have not as yet the account of What may be necessary for Hemp and Potashes, a Kettle containing 100 gallons will cost about 18£ Shipping included. The Ladles and Tunnels 8 Shil[s] a piece, or thereabouts. I shall have to day a particular account from the tradesmen of the nett cost of all. I believe twelve of these Kettles at least will be requisite, & 12 ladles and tunnells to each kettle, but as soon as I receive the particular estimates of the whole, I shall be able to inform Your Lordships more perfectly. There being no great Mystery in these Manufactures, I believe M[r] Bridger with such as he can bring along with him, if ordered will be Sufficient to instruct them.

A Store house and Commissaries of the Stores will be absolutely necessary; The dear Freight from these parts being chiefly owing to the tedious time that Ships are obliged to wait for their loading, and their being obliged to touch at many different places to take it on board, & not seldom to return with little more than half.

I am, with all due honour & Regard,
My Lords;
Your Lord[pps] most humble
and most Obedient Servant
Ro. Hunter.

December the 1[st] 1709.

Colonel Robert Quary to the Lords of Trade.

[Plantation General Entries, XXXVII. (D) 434.]

To the Right Hon[ble] the Lords Commiss[rs] of Trade & Plantations.

Right Hon[ble]

I did myself the honour of writing to you by the men of War from New York, since which I have visited all the Southern Govern[ts] all things are very quiet in Virginia, and so will continue till the arrival of a new Governor, no Assembly has sate since the Death of Col[l] Not,[1] But as a Gover[r] comes, an Assembly must be called, who will find work enough for him, and the Hon[ble] the Board of Trade too.

Maryland which I always took to be the quiet[est] and easiest Government of the main, the freest from all factions and Parties is now by the ill conduct of the late Gov[r] run into as great extravagancy as any of the rest In my way from Virginia, I called in Maryland I found the Assembly setting on a Prorogation And the President and Council very inclynable to make a Session of it by passing some Acts I thought it my duty to mind them of Her Majesty's

[1] The office of Governor of Virginia having been bestowed by Queen Anne, in 1705, as a sinecure, on the Earl of Orkney, the colony came to be ruled by Deputy. The first Deputy Governor under this arrangement was Edward Nott. During his administration a new digest of the laws of Virginia, which had been in preparation for several years by a Committee of the Council and Burgesses, was reported and approved. He governed the colony only one year, and died in 1706. — Ed.

instruction, that in such a case as the death of Gov^{r} they shou'd pass no Acts but such as were of absolute necessity for the Peace and Quiet of the Government and I could not see that any such were wanting. I prest this the more, knowing that there were two Acts of the greatest consequence that wholly depended on the next Sessions, the Militia Act, and the Act for all officers fees, these two Acts I found that the Assembly were resolved to damn and they had no way to effect it, but by getting some Act passt to make a Session. I acquainted the Council with the design of the Assembly, and gave them all the caution I cou'd, the truth of which appear'd plainly that very day, for the Assembly sent up a very trifling Bill which was to confirm all the process and proceedings of a particular County Court, by reason the Justices of that Court were members of the Assembly and could not attend to hold the Court. With the Bill they sent a Message to the Council requesting that the Bill might be past that very day else it would not do; this opened the eyes of the Council, and made them see the real design of the Assembly, which I so well improved that they resolved to pass no Act or make a Session unless they cou'd have the Militia Act, and the act for the officers Fees revived. I still prest to have the Assembly adjourned to such a time as they might reasonably expect the arrival of a New Governor But I found the President and almost all the Council resolved to have a Sessions, provided they could secure those two Acts, and accordingly after several messages a conference was appointed and the same day a Bill was sent to the Council for reviving those Acts; when it was read, it appeared to be limitted to six months after the arrival of a new Governor, and no longer. The President and Council were very much pleased with this Bill, and some of them took occasion to say that they cou'd not have expected so great a complyance from the Assembly, which forced me to say with some warmth, that the Bill was a very pernicious one, and ought not to be past if they had any regard to the Queens interest, to that of the Country, to Her Majesty's instructions, or to their oaths as Counsellors, which I demonstrated by shewing them, that those two Acts were now secure, the Militia Act was of the greatest consequence to the Country, and shou'd they give it now up there was but very little hopes of ever getting it renewed, at least so as to answer the end; and as for the Act for the Public Officers Fees, if once they let it drop, they very well knew that it never would be revived but all the Officers must be ruined, especially those belonging to Her Majesty and in Her guift; the consequence of which will be not only a very high injustice to the Queen, but very injurious to the Country. I beg'd them again to consider the Queens instructions and their Oaths and not proceed further with the Assembly at this time, but leave things as they are till a new Govornor came since there was necessity for passing any Act They all seemed uneasy and told me, that shou'd they send home this Assembly without doing business the Country wou'd clamour at them and be in a flame; I answered that no man of sence wou'd blame them for observing the Queens instructions: They were pleased to say that there must be an Act past to settle the levies (most of which is for paying themselves for their attendance in Assembly) I said that there was no necessity for passing such an Act now, for at worst it was but a short delay till a Governor came, that it took away no mans property and a little delay wou'd not be of a thousand times the ill consequence as the loosing two such Acts which I had reason to believe wou'd never be recover'd again, but after all I cou'd say I found that they were resolved to make a Sessions and (if I mistake not) some of them as willing as the Assembly I stay'd some time after this to try if I cou'd alter their opinion or do the Queen service but finding I cou'd not, I told them that I thought the end of her Majesty's appointing me one of her Council of that Province was that I might to the utmost of my power defend

her Prerogative and just Rights, and to give such advice as in my judgement was most for her interest and service and that I shou'd Pay all due obedience to Her Royall Instructions But finding it was not in my power to answer any of those ends, I therefore resolved to leave them, and hasten where my duty and Her Majestys service called me, and leave them to answer for what they shou'd do, so took my leave and came away. And since my coming hither, I hear y^{t} they have passed several Acts. I have sent to the Clerk for a copy of all their proceedings which I will send to your honours by the first opportunity I am obliged to observe to your hon^{rs} that all the Assemblies on the main are running into very great extreams; They design to have the Governour and all Officers wholly to depend on them; The truth of this will appear to your Hon^{rs} by the Acts lately past in the Government of New York. I wish my Lord Lovelace had not given them a handle for what they did, by some steps he took in the Jerseys; However I believe his Lordship saw his mistake and had he lived, wou'd not have passed those pernicious Acts in New York; But the Assembly taking the advantage of my Lord death, made use of the proper means to gain their point, by ruining all public officers, and by issuing out the Colony mony (as they call it) to whom they please, which will oblige all to depend on them If I must speak plain English, I cou'd shew the fatal consequence that these proceedings must be to the Queens interest and service in all these Governments. I presume your hon^{ble} Board will not think fit for the future to lodge a power in the Council to pass Acts of Assembly on the death or absence of the Queens Governor. I do assure your honors that the Generality of the Councils being Gentlemen of the Country, are wholly in the interest of the Assembly and as ready to lessen the prerogative in all things as they are, and therefore it requires care in the choice of them; and those that are steady to the Queens interest ought to be supported and encouraged; I cou'd mention many wrong steps that have been taken by some Governours in their recommending to your hon^{ble} Board persons fit to be of the Council but am not willing at present to trespass on your honors time; but before I conclude, I beg leave to acquaint your hon^{rs} that the Assembly of this Government are run into the greatest extravagancy and confusion that ever people were in; they resolve to have all the power in their hands, the appointing of all Officers and all Courts of Judicature they pretend to a power of apprehending and imprisoning any of the Gentlemen of the Council that they please and have actually issued out their Warrants accordingly. Its impossible for me to tell the confusion they are in; the present Lieutenant Gov^{r} do's with most courage opose them, and assert the Proprietors Rights, but things are now come to that pass that in the opinion of all, the proprietors must of necessity be forced to surrender this Governm^{t} unto the Queens hands. The secretary of the Province go's hom in this ship, on purpose to represent these Matters to M^{r} Penn, and to shew him the necessity of his Resigning up the Government. I thought it my duty and for the Queens service to give your hon^{rs} this hint. I will not trouble your honors about the present unhappy circumstances of the Northern Province, occasioned by the disappointment of that noble design against Canada since the Hon^{ble} Col^{l} Nicholson's lately gone to London, who is a person the best able to sett all those affairs in a true light to whom I refer. I do most humbly beg your Hon^{rs} pardon for this freedom and the trouble I now give you, and leave to subscribe as I truly am

Right Hon^{ble}
Your most obedient
humble Servant
Rob^{t} Quary.

December the 2. 1709.

Report of the Board of Trade on the Plans for Settling the Palatines.

[New-York Entries, G. 473.]

To the QUEEN'S MOST EXCELLENT MAJESTY

May it please Your Majesty

In obedience to Your Majesty's Commands signifyed to us by the Right Hono^ble^ the Earl of Sunderland, we have considered the Proposals made by Colonel Hunter, for settling 3000 Palatines at New York, and Employing them in the Production of Naval Stores, and thereupon humbly Represent to Your Majesty.

That the Province of New Yorke being the most advanced Frontier of Your Majesty's Plantations on the Continent of America, the Defence and Preservation of that place is of the utmost importance to the Security of all the Rest; And if the said Palatines were seated there they would be an additional strength and Security to that Province, not only with regard to the French of Canada, But against any Insurrection of the Scattered Nations of Indians upon that Continent, and therefore we humbly Propose that they be sent thither.

By the best Information we can gett, the most proper Places for the seating of them in that Province, so as they may be of benefit to this Kingdom by the Production of Naval Stores, are in the Mohaques River, and on Hudson's River, where are very great numbers of Pines fit for Production of Turpentine and Tarr, out of which Rozin and Pitch are made.

First in relation to the Mohaques River; your Majesty was pleased by Your Order in Councill of the 26^th^ of June 1708, to confirm an Act past at New York the 2^d^ of March 169$\frac{8}{9}$ for vacating several Extravagant Grants, whereby large Tracts of Land are returned to Your Majesty, and among the rest.

A Tract of Land lying on the Mohaques River containing about 50 miles in length and four Miles in breadth, and a Tract of land lying upon a Creek which runs into the said River, containing between 24 and 30 Miles in length. This last mentioned Land, of which Your Majesty has the possession is claimed by the Mohaques, but that claim may be satisfyed on very easy Terms.

The Objection that may be made to the Seating of the Palatines on the fore-mentioned Mahaques River, is the Falls that are in the said River between Schenectedy and Albany, which will be an Interruption to the Water carriage, but as that may be easily helped by a short land carriage of about 3 miles at the most, We do not see that this Objection will be any hindrance to the seating of them there, In case there be not an opportuuity of doing it more conveniently in some other part of that Province.

There are other large Tracts of Lands on Hudson's River, which are resumed to Your Majesty by the foresaid Vacating Act, viz^t^

A Tract of Land lying on the East side of that River, containing 12 miles in breadth, and about 70 miles in length, and on the other Tract on the West side, containing 20 miles in Breadth and 40 miles in length.

By all which it appears that there are Lands Sufficient in Your Majesty's gift, for the proposed settlement of the said Palatines, in case the same have not been regranted by Your Majesty's Governor or the Commander in Chief there, since those lands were so resumed, which we do not hear has been done.

We therefore humbly Offer that that Governor or Commander in Chief be directed upon

their arrival, to seat them all either in a Boddy or in different Settlements upon those or other Lands as he shall find most proper, And that they be Encouraged to settle and work in partnership, that is 5 or more families to unite and Work in Common.

That the Governor be likewise Directed to grant under the Seal of that Province, without fee or Reward, 40 Acres per head to each family, after they shall have repaid by the produce of their labour the charges the publick shall be at in settling and subsisting them there, in the manner as is herein after proposed; To have and to hold the said Lands, to them and their heirs for ever, under the usual Quit rent to commence and be payable after seven years from the date of each respective Grant; and further that in every such grant there be an Express Proviso that the Lands so granted shall be seated and planted within a reasonable time to be therein prefixed, or in failure thereof; such Grant to be void and to revert to the Crown; And for the better preventing those people from falling upon the Woollen Manufactures, it will be proper that in every such Grant, a clause be incerted, declaring the said Grant to be Void, if such Grantee shall apply himself to the making the Woollen or such like Manufacture.

As these People are very necessitous they will not be able to maintain themselves there, 'till they can reap the benefit of their labour which will not be 'till after one year, at the soonest, We therefore humbly Offer that be subsisted, The men and women at the rate of 6^{d} sterling a head p^{r} day, and the children under the age of 10 years at 4^{d} sterling a head p^{r} day which as we are informed will be Sufficient.

When their houses shall be built, and the ground cleared for making their settlements they may then be employed in the making of Turpentine, Rozin, Tarr and Pitch, and that this will be beneficial not only to the said Palatines but to this Kingdom. We take leave to observe;

That one Man may make by his own labour six tunns of these Stores in a Year; and we have been informed that a number of men assisting each other may in proportion make double that quantity; so that supposing 600 men be imployed in this work, they may produce 7000 Tuns of these goods a year, and if in time a greater quantity of those stores should be made there, than shall be consumed in Your Majesty's Dominions, We hope the overplus may turn to a very beneficial Trade with Spain & Portugal.

We have been informed by the Commissioners formerly sent over by the Navy Board to inspect Naval Stores in New England that Tarr might be afforded there under £5 a tun; and supposing the Freight, from thence in time of peace be under £4 p^{r} Tunn, as we do not doubt but it will, and whereas the Premium of 4£ p^{r} Tun allowed upon Importation of such Tarr will more than answer the Charge of Freight, We believe it may be sold as cheap as that from the Northern Crowns. / However should the American Tarr be something Dearer, Yet it is the Interest of this Kingdom to have the same paid for in Woollen and other Manufactures from hence; whereas that from the Northern Crowns is bought with ready Money/

The only Objection formerly made to these Stores from America, was that y^{e} Tarr had a burning quality, which consumed the Ropes; But we have been Informed by Traders in those goods, that there comes now as good Tarr from New England, and as fit for Ropes, and all other uses whatsoever, as that of Stockholm which is esteemed the best; and in Confirmation hereof We find by an account from the Custom house hear, in December 1707, that there was then 4704 Barrells of Tarr, Imported from the Plantations, certifyed to be good, in order to the allowance of the said premium; We further take leave to observe that the Tarr which has most of the burning quality makes the best Pitch; and may otherwise be used on Ships sides or Sheathings.

As to the quality of the Turpentine, Rozin and Pitch made in the Plantations, We have not heard of any Objections thereunto; but on the contrary have been assured that they are as good in their kind as any whatsoever.

As these Palatines are ignorant in the production of those stores, it will be necessary that three or four persons well skilled in the doing thereof (if to be had) be sent from hence, to instruct the said Palatines there, and that they be allowed £200 New York Money p^{r} annum each, during their being Employed in this Work.

In case no such persons can be found here, then We propose that M^{r} Bridger, Surveyor General of Your Majesty's Woods on the Continent of America who was sent 4 or 5 years ago to New England to instruct the People there, be Directed to go to New York for that purpose, and that he bring with him 3 or 4 other persons, the most skilfull he can get who may assist him in the Instructing the said Palatines, and for their Pains therein have a Salary of 100£ p^{r} annum during such their employ and Stay at New York.

It will be likewise necessary that there be Supervisors appointed to reside among the said Palatines, to over see and keep them at Work, with a Salary of £100 p^{r} annum each; as to the number of the said Supervisors we humbly conceive it cannot well be regulated here, for that will Depend in a great measure upon the number of the Palatines Settlements, and on the Distance they may be one from the other. Therefore we are of Opinion this be left to the Discretion of Your Majesty's Governor after his arrival there.

We further Represent to Your Majesty that at each settlement there will need a Store house to be built, which may be done with little charge, for lodging their stores, 'till they can be conveniently sent to New York, where there should be a General Storehouse for the reception of such Stores 'till shipt off for this Kingdom.

That there be a Storekeeper or Commissary appointed at New York, with a Salary of £200 p^{r} annum for himself and Clark.

That all such Naval Stores so Manufactured be delivered into the charge of the said Storekeeper or Commissary, and he required to keep a faithfull Account of all such stores so by him Received, expressing the names of the person or persons to, and from, whose use the several and respective Quantities were Delivered in, to the end that the neat Produce thereof may be accounted for, and paid to such Manufacturer or Manufacturers in manner herein after mentioned, with such other Instructions to be given him by your Majesty's said Governor for the better performance of his Duty, as shall be thought proper.

That an Agent or Factor be appointed by Your Majesty here for the remitting of such summs of money as your Majesty shall from time to time judge proper to be remitted to New York for the subsistance of the said Palatines, and for the receipt and sale of all such stores as shall be consigned to him on account of the said Palatines. In consideration whereof we further humbly Propose that such agent or Factor be allowed out of the Produce of such stores and Value of Goods sent hence, the like Factorage as is usually allowed to Factors here, by their correspondents in that Province.

That such Naval Stores be Shipt off for the Port of London, by the said Store keeper or Commissary at New York, as opportunity shall offer, the same to be consigned to such Agent or Factor as aforesaid.

That such of the said Stores as shall be found proper and fit for the use of Your Majesty's Navy, be by such an Agent or Factor delivered to, and received by the Commissioners of the Navy for Your Majesty's service, and Bills made out from that Office according to their usual

method and course of payment, for the Value of such stores so received at the Market price, such Bills to be made payable to such agent or Factor.

And that he be Empowered & Directed to sell to the Merchant at the best price he can, the remains of such stores as shall be by him received, and not disposed of for the service of Your Majesty's Navy.

That such Agent or Factor be further Directed to keep exact and distinct accounts of whatever Naval Stores shall come to his hands, from the said Storekeeper, and of all such Moneys as shall arise by Sale thereof, as likewise of whatever sums of money he shall from time to time disburse for the subsistence of the said Palatines, or otherwise on their accounts, according to such orders and Directions as he shall receive from Your Majesty, on that behalf.

That Freight, Factorage and all other Incident and necessary charges arising from the Importation, safe keeping and Sale of such stores, being Deducted, the neat produce thereof be in the first place applyd towards the repayment of whatever summs of mony shall so have been disburs'd for the subsistance or on account of necessaries to be sent with the said Palatines, and that the residue of such neat Produce be accounted for, and paid over to such Storekeeper or Commissary or other person who shall be appointed to receive the same to and for the proper use and behalf of such Palatines respectively, to whom it doth of right belong.

And we further Offer that the Premium given by an Act made in the 3^{d} and 4th year of Your Majesty's Reign to encourage the Importation of Naval Stores from Your Majesty's Plantations in America, be paid to such Factor or Agent to and for the Sole Benefit of such Palatines, who were the Manufacturers of such Stores, in like manner as Premiums are allowed to other Importers of Naval Stores from those Parts.

Lastly We humbly offer that the said Palatines upon their arrival there be Naturalized, without Fee or Reward, that they may enjoy all such Privileges and Advantages as are Enjoyed by the present Inhabitants of that Province.

All which is most humbly Submitted

STAMFORD
DARTMOUTH
PH. MEADOWS
J^{o} PULTENEY
R. MONCKTON
CHA. TURNER

Whitehall
Decemb^{r} 5th 1709

Attorney General Montague to Mr. Popple.

[New-York Entries, G. 498.]

To Mr Popple

Sr

I herewith return you the Draught of the Instrument you sent me Yesterday by command of the Lords Commissioners of Trade, which you say is to be proposed to the Palatines who are to be sent to New York for them to signe for holding them, to the terms proposed by a Representation layd before Her Majesty by the Lords Commissioners of Trade, and upon the perusall of the said Representation I have made some few additions to the said Draught, and in some places you will find a line drawn under some Words, which I propose to be left out; which severall Amendments I desire you will lay before their Lordships, to whose consideration the same are humbly submitted by

Your faithfull Servant

December 21st 1709. JA. MOUNTAGUE.

Covenants for the Palatines Residence and Imployment in New York.

WHEREAS wee the underwritten Persons Natives of the Lower Palatinate of the Rhine, have been subsisted, maintained and supported ever since our Arrival in this Kingdom by the great and Christian Charity of Her Majesty the Queen, and of many of her good subjects; and Whereas her Majesty has been graciously pleased to order and advance a Loan for us, & on our behalf of several very considerable sums towards the transporting maintaining & settling of us and our respective Families in Her Majesty's Province of New York in America, and towards the Imploying of us upon lands, for that intent and purpose, to be allotted to us, in the production and Manufacture of all manner of Naval Stores, to the evident benefit and Advantage of us and of our respective Families, and Whereas her Majesty has been likewise graciously pleased to give her Royal Orders to the Honble Collonel Robert Hunter, who has now Her Majesty's Commission to be Captain General and Governor in Chief of the said Province, and to all Governors of the said Province for the time being, that as soon as we shall have made good and repaid to Her Majesty, her Heirs or Successors, *out of the Produce of our labours in the Manufactures we are to be Employed in*, the full sum or sums of mony in which we already are, or shall become, indebted to Her Majesty, *by the produce of our labour in the Manufacture of all manner of Naval Stores on the Lands to that end to be allotted to us*, that then he the said Colonel Robert Hunter, or the Governor or Governors of the said Province for the time being shall give and grant to us and to our Heires for Ever, to our own use and Benefit, *the said Lands so allotted as aforesaid*, to the proportion or amount of Forty Acres to each Person free from all Taxes, Quit Rents, or other manner of services for seven years, from the date of such Grant, and afterwards subjected only to such Reservations as are accustomed and in use in that Her Majesty's said Province.

NOW KNOW ALL MEN by these Presents that we the said underwritten Persons in a grateful sense just Regard and due consideration of the Premises, do hereby severally for ourselves, our Heirs, Executors and Administrators, covenant, promise and grant to and with the Queen's most Excellent Majesty, her heirs and Successors, that We with our respective Families will *settle ourselves in such place or places as shall be allotted to us in the Province of New York on the*

Continent of America, and abide and continue Resident upon the Lands so to be allotted to us as aforesaid, *in such Bodyes or Societys as shall be thought usefull or Necessary either for carrying on the Manufacture of things proper for Navall Stores or for the Defence of us and the rest of her Majesty's Subjects against the French or any other of her Majesty's Enemies*, and that We will not upon any Account, or any manner of Pretence quit or desert the said Province, *without leave from the Governor of the said Province first had and obteyned for so doing*, and but that we will to our utmost power employ and occupy our selves and our respective families in the producing and Manufacturing of all manner of Naval Stores upon the Lands so to be allotted to us, or on such other Lands as shall be thought more proper for that purpose *and not concern ourselves in working up or making things belonging to the Woollen Manufacture*, but behave ourselves in all things as becomes dutifull and loyall subjects and gratefull and faithfull Servants to Her Majesty, Her Heires and Successors, paying all due Obedience to the said Honourable Colonel Robert Hunter or to the Governor or Governors of the said Province for the time being, and to all Magistrates and other officers who shall from time to time be legally appointed and set over us; and *towards Repayment of Her Majesty, her heirs and Successors, all such sums of money, as she or they shall at any time disburse for our support and maintenance till we can reap the Benefit of the Produce of our labours, We shall permit and suffer all Naval Stores by us Manufactured to be put into Her Majesty's Store houses which shall be for this purpose provided, under the Care of a Commissary, who is to keep a faithful Account of the Goods which shall be so Delivered, and We shall allow out of the neat Produce thereof so much to be paid Her Majesty, her heires and Successors as upon a fair account shall appear to have been Disbursed for Subsistance of us, or providing Necessaries for our families.* In Witness, &c[a]

Board of Trade to the Earl of Sunderland.

[New-York Entries, H., 3.]

To the Right Hon[ble] the Earl of Sunderland.

Letter to the Earl of Sunderland wth a Representation and the Draughts of Colonel Hunter's Instructions for the Governments of New York and New Jersey & of those relating to the Acts of Trade as likewise additional Instructions relating to a Table of Fees at New York and the Heats and Divisions in New Jersey.

My Lord.

Pursuant to Her Majesty's pleasure signified to us by Your Lordships Letter of the 10[th] Instant, we have prepared the Draughts of Instructions to Colonel Hunter for the Government of New York and New Jersey as also those relating to the Acts of Trade and Navigation, together with Two Additional Instructions for Her Majes[tys] Royal Signature, and transmit the same to Your Lordship with our Report thereupon to be laid before Her Majesty, and are,

My Lord,

Your Lordships most hum[ble] Servants

STAMFORD
DARTMOUTH
PH. MEADOWS
J[n] PULTENEY
ROB[t] MONCKTON.
CHA. TURNER.

Whitehall
Decemb[r] 23, 1709.

Board of Trade to the Queen.

To the Queen's Most Excell^{t} Majesty.

May it please Your Majesty.

Having in obedience to your Maj^{ts} commands humbly laid before your Majesty Draughts of Commissions for Colonel Hunter to be your Majesty's Captain General and Commander in Chief of Your Majesty's Provinces of New York and New Jersey, We herewith humbly present to Your Majesty Draughts of Instructions for the said Governments which are to the same purpose as those given to the late Lord Lovelace.

And whereas William Peartree one of the present council of New York has been represented to us as a person unfit to serve Your Majesty in that Station, particularly in regard of his not giving due attendance at that Board. That Several men who deserted Your Majesty's service from on board the Lowstoft and Triton's Prize, are there imployed by the Mayor of New York, and by the said Peartree on board their Vessells, contrary to the Act for incouragement of the Trade to America and to the prejudice of Your Majesty's service, We therefore humbly offer, that he be left out of the said Council, and that D^{r} Samuel Staats of whom we have had a very good character be constituted a Member of the said Council in his stead, and there being a vacancy in the said Council by the death of Thomas Wenham, We humbly offer that Robert Walters of whom we have likewise had a good character be constituted by Your Majesty a Member of the said Council instead of the said Wenham deceased.

In case Your Majesty shall approve of this alteration and addition in the said Council, We therefore humbly offer as the said Stats and Walters were formerly Members of that Council, that they be now reinstated in their places acording to the precedency they then had as has usually been done in like cases.

In relation to the Council of New Jersey Lewis Morris having been suspended by Captain Ingoldsby the Lieutenant Governor since the death of the late Lord Lovelace, for reasons which do not appear to us sufficient, We humbly offer that he be restored to his place and precedency there, and there being two vacancies in the said Council, we humbly offer that Thomas Gordon and Thomas Gardner who have been well recommended to us by the Proprietors here, as persons fit to serve your Majesty in that Station be constituted and appointed Members of the said Councill that the number of Twelve may be compleat.

And whereas there have been great disputes and differences between the Council and Assembly of New Jersey and both have addressed to Your Majesty, each against the other, and as Colonel Hunter who is now going over will be the best able when upon the place to inform himself of the matters contained in the said Address, we humbly offer that he have an Instruction from Your Majesty requiring him to examine into the causes and reasons of the said differences and to endeavour all he can, to compose the same. And that in case he shall meet with any obstruction therein, that then he represent the matter as it shall appear to him; to one of Your Majisty's principal Secretaries of State, and to Your Commissioners for Trade and Plantations, for Your Majesty's pleasure thereupon, and therefore we take leave to add hereunto the Draught of an Additional Instruction for that purpose.

We further take leave to lay before Your Majesty the Draughts of Instructions for Colonel Hunter, for his Governments of New York and New Jersey, relating to the Acts of Trade and Navigation which are in the usual form.

And in Obedience to Your Majesty's Order in Councill of the 15th Instant We further humbly lay before Your Majesty the Draught of an Additional Instruction to Colonel Hunter, relating to the fees of the severall Officers at New York.

All which is most respecfully submitted.

STAMFORD
DARTMOUTH
PH: MEADOWES
Jno PULTENEY
ROBt MONCKTON
CHA. TURNER.

Whitehall
Decembr 23d 1709.

Draft of Instructions for Robert Hunter, Governor of New-York.

[New-York Entries, H., 7.]

Memdum these Instructions were dated 27th Decembr 1709.

INSTRUCTIONS for our trusty and well beloved Robert Hunter Esqr Our Captain General and Governour in chief of our Province of New York and the Territories depending thereon in America. Given at Our Court at the day of in the year of Our Reign.

Robt Hunter Governr of New York.

1st With these our Instructions you will receive our Commission under our Great Seal of Great Britain, constituting you our Captain General, and Governor in cheif of our Province of New York and the Territories depending thereon in America.

2ndly You are therefore to fit yourself, with all convenient speed, and to repair to Our said Province of New York and being there arrived You are to take upon you the execution of the place and trust we have reposed in you, and forthwith to call together the members of our Councill for that Province, by name Peter Schuyler, Samuel Staats, Robert Walters, Gerardus Councillor's Names Beekman, Rip Van Dam, Caleb Heathcote, Killian Van Ranslaer, Roger Monpesson, John Barbarie, Adolphus Philips, Abraham Depeyster, and David ProvostEsquires.

To publish his Commissn

3dly And you are with all due and usual solemnity to cause our said Commission under Our great seal of Great Britain, Constituting you our Captain General and Governor in cheif as aforesaid, to be read and published at the said meeting of our Councill.

To take the Oaths himself and administer the same to the Members of Councill.

4ly Which being done you shall Yourself take and also administer unto each of the members of our said Councill as well the Oaths appointed by Act of Parliament to be taken instead of the Oaths of Allegiance and Supremacy, and the Oath mentioned in an Act entituled, An Act to declare the Alteration in the Oath appointed to be taken by the Act entituled an Act for the further security of his Majesty's person and the Succession of the Crown in the Protestant line, and for extinguishing the hopes of the pretended Prince of Wales, and all other pretenders, and their open and secret abettors, and for declaring the Association to be determined, as also make and subscribe, and cause the Members of our said Council to make and subscribe the Declaration mentioned in an Act of Parliament made in the 25th year of the Reign of King Charles the Second Entituled an Act

for preventing dangers which may happen from Popish Recusants, and you and every of them are likewise to take an Oath for the due Execution of Your and their places and trusts, with regard to Your and their equall and impartial administration of Justice, and you are also to take the Oath required to be taken by Governors of Plantations to doe their utmost that the Laws relating to the Plantations be observed.

To communicate to the Council such of his Instructions where their [advice] mentioned to be requisite or such other as he shall think fit.

5^{ly} You are forthwith to Communicate unto our said Council such and so many of these our Instructions, wherein their advice and consent are mentioned to be requisite, as likewise all such others from time to time, as you shall find convenient for our service, to be imparted to them.

Not to ingage himself in Parties.

6^{ly} And whereas the inhabitants of our said Province have of late Years been unhappily divided and by their enmity to each other our service and their own general welfare have been very much obstructed, you are therefore in the execution of our Commission, to avoid the engaging yourself in any Parties but on the Contrary to use such moderation as may best conduce to our service, by quieting the minds of the people and reconciling all differences amongst them.

The Council to have Freedom of Debate and Vote.

7^{ly} You are to permitt the members of our said Councill to have and enjoy freedom of debate and Vote in all affairs of publick concern, that may be debated in Councill

Not to act with a Quorum of less than five unless upon Necessity.

8^{tly} And although by our Commission aforesaid, We have thought fit to direct that any three of our Councellors make a Quorum, It is nevertheless Our Will and Pleasure that you do not Act with a Quorum of less than five Members, unless upon extraordinary imergencies when a greater number cannot be conveniently had.

To transmit the names & characters of six persons fit to supply vacancies in Council.

9^{tly} And that we may be always informed of the names and characters of persons fit to supply the vacancies that shall happen in our Councill at New York, you are to transmit unto us by one of our Principal Secretaries of State, and to our Commissioners for Trade and Plantations, with all convenient speed, the Names and characters of six persons, Inhabitants of the said Province and Territories whom you shall esteem the best qualifyed for that trust, and so from time to time when any of them shall dye, depart out of the said Province or become otherwise unfit, you are to nominate so many others to us in their stead, that a list of six persons fit to supply the said Vacancies may be always compleat.

To transmit the names and qualities of Persons put in to the Council.

10^{tly} You are from time to time to send to us as aforesaid, and to our Commission^{rs} for Trade and Plantations the names and qualities of any member or members by you put into our said Council by the first conveniency after your so doing.

Councillors and other officers to be of good Estates and Abilities.

11th And in the choice and nomination of the members of our said Councill, as also of the Chief Officers, Judges, Assistants, Justices, and Sheriffs, You are always to take care that they be men of good life and well effected to Our Government and of good Estates, and abilities, and not necessitous people or much in debt.

No Councillor to be suspended without good cause to be entred on the Council's books and to be transmitted.

12^{ly} You are neither to augment nor diminish the number of our said Councill, as it is hereby established, nor to suspend any of the members thereof without good and sufficient cause, and in case of suspension of any of them you are to cause your reasons for so doing, together with the charges and proofs against the

said Persons, and their answers thereunto (unless you have some Extraordinary [Reasons] to the contrary) to be duly [entred] upon the Councill Books, and you are forthwith to transmit the same, together with your reasons for not entring them upon the Council Books (in case you do not so enter them) unto us, and to our Commissioners for Trade and Plantations as aforesaid.

Councillors to lose their places if absent above two years without the Queen's or one without the Governor's leave.

13th You are to signify our Pleasure unto the members of our said Councill of New York that if any of them shall hereafter absent themselves from the said Province, and continue absent above the space of Twelve Months together, without leave from you or from our Governor, or Commander in Cheif for the time being, first obtained, or shall remain absent for the space of two years, or the greater part thereof successively, without our leave given them under our Royal Sign Manuel, Their places or places in our said Council shall immediately thereupon become void, & that we will forthwith appoint others in their stead.

Persons wilfully absenting themselves from Council after admonition to be suspended till further Order.

14th And whereas we are sensible that effectual care ought to be taken to oblige the members of our Council to a due attendance therein, in order to prevent the many inconveniences that may happen from the want of a Quorum of the Council to transact business as occasion may require It is our will and pleasure that if any of the members of our said Council shall hereafter wilfully absent themselves, when duly summoned, without a Just and lawful cause, and shall persist therein after admonition, You suspend the said Counsellors so absenting themselves 'till our further pleasure be known, giving us timely notice thereof, and we hereby will and require you, that this our Royal Pleasure be signifyed to the several members of our Council aforesaid, and that it be entered in the Council Books of our said Province as a standing rule

The title of enacting Laws.

15th You are to observe in passing of Laws that the stile of Enacting the same be by the Governor, Council and Assembly and no other.

Directions about passing Laws.

16th You are also as much as possible to observe in the passing of all Laws, that whatever may be requisite upon each different matter be accordingly provided for by a different law, without intermixing in one and the same Act such things as have no proper relation to each other, And you are more especially to take care, that no clause or clauses be inserted in, or annexed to, any Act, which shall be foreign to what the title of such respective Act imports, and that no perpetual clause be part of any Temporary law; and that no Act whatever be suspended, altered, revived, confirmed or repealed by general words, But that the title and Date of such Act so suspended altered, revived, confirmed or repealed be particularly mentioned and expressed.

All private acts to have a saving clause of the Queen's right.

17th You are also to take care that no private Act be passed in which there is not a saving of the rights of us, our Heirs and Successors, all bodies politick or corporate, and of all other persons, except such as are mentioned in the said Act.

Not to pass bills of an unusual and extraordinary nature without Order.

18th And whereas great mischiefs may arise by passing bills of an unusual and extraordinary nature and importance in the plantations, which Bills remain in force there from the time of enacting, until Our pleasure be signifyed to the Contrary, We do hereby will and require you, not to pass or give your consent hereafter to any Bill or Bills in the Assembly of our said Province of unusual and extraordinary nature and importance, wherein our prerogative or Property of our subjects may be prejudiced without having either first transmitted unto us the Draught of such Bill or Bills: and our having signifyed our Royal Pleasure thereupon, or that you take care in the passing of any Act of an

Unusual and extraordinary nature, that there be a clause inserted therein suspending and deferring the execution there of, until our pleasure be known concerning the said Act, to the end our Prerogative may not suffer and that our subjects may not have reason to complain of hardships put upon them on the like occasions.

To send copies of all Laws separately.

19th You are to transmit Authentick Copies of all Laws, Statutes and Ordinances that are now made and in force, which have not yet been sent, or which at any time hereafter shall be made, or enacted, within the said Province, each of them seperately under the publick seal, unto us and to our said Commissioners for Trade and Plantations within three Months or by the first opportunity after their being enacted, together with Duplicates thereof by the then next conveyance, upon pain of our highest Displeasure and of the forfeiture of that year's salary, wherein you shall at any time or upon any pretence whatsoever omit to send over the said Laws, Statutes and Ordinances as aforesaid, within the time above limited, as also of such other penalty as we shall please to inflict; But if it shall happen that during time of War no shipping shall come from the said province within three Months after the making such Laws, statutes and Ordinances whereby ye same may be transmitted as aforesaid then the sd Laws, Statutes and Ordinances are to be transmitted as aforesaid by the next conveyance, after the making thereof, whenever it may happen, for our approbation or disallowance of the same.

To send all Acts dated with his observations upon them.

20th And our further will and pleasure is that in every Act which shall be transmitted there be the several Dates or respective times, when the same past the Assembly, the Council, and received your assent and you are to be as particular as may be in your Observations to be sent to our Commissioners of Trade and Plantations, upon every Act, That is to say whether the same is introductive of a New Law, declaratory of a former law, or do's repeal a Law then before in being: And you are likewise to send to Our Commissioners the reasons for the passing of such law, unless the same do fully appear in the preamble of the said Act.

Rules about Acts for raising of money.

21st You are to take care that in all Acts or Orders to be past within that our province in any case for levying money or imposing fines, and penalties, Express mention to be made, that the same is granted or reserved to us, our Heirs and Successors for the publick uses of that Our province and the support of the Governments thereof, as by the said Act or Order shall be directed.

Directions about Letters.

22nd Whereas we have been informed that Intelligence has been had in France of the State of our Plantations by Letters from private persons to their Correspondents in Great Britaine, taken on board ships coming from the Plantations and carryed into France, which may be of dangerous consequence if not prevented for the future, Our Will and Pleasure is, That you signify to all Merchants, Planters and others that they may be very cautious in giving an Account by letters of the publick state and condition of our said Province of New York and you are further to give directions to all Masters of Ships, or other persons to whom you may intrust your letters that they put such letters in a bagg with a sufficient weight to sink the same immediately in case of imminent danger from the enemy. And you are also to let the Merchants and Planters know how greatly it is for their interest that their letters should not fall into the hands of the Enemy; and therefore that they should give the like orders to the Masters of Ships in Relation to their Letters; and you are further to advise all Masters of Ships, that they do sink all letters in case of danger in the manner before mentioned.

To prevent correspondence with France.

23. And whereas in the late war the Merchants and Planters in West Indies did correspond and trade with the French, and carry intelligence to them, to the great prejudice and hazard of the British Plantations; You are therefore by all possible methods, to endeavour to hinder all such trade and Correspondence with the French, whose strength in the West Indies gives very just apprehensions of the Mischeifs that may ensue, if the utmost care be not taken to prevent them.

To comply with the Act for Encouragemt of the Trade to America.

24th Whereas an Act was past here in the 6th and 7th years of our Reign 170$\frac{7}{8}$ Entituled An Act for the Encouragemt of the Trade to America a copy whereof will be herewith delivered to you, You are to take care that the same be complyed with.

Not to accept any present from the Assembly.

25th Whereas several inconveniences have arisen to our Government in the Plantations by gifts and presents made to our Governors by the Genl Assemblies, It is our express Will and pleasure that [you our Governor] nor any Governor, Commander in Chief or Presdient of the Council of our said Province of New York for the time being, do give your or their Consent to the passing any Law or Act for any gift or present to be made to you or them by the Assembly, and that neither you nor they do receive any gift or present from the Assembly or others, on any Account or in any manner whatsoever upon pain of our Highest displeasure and of being recalled from that our, Government.

Salary allowed the Governor.

26th And whereas the Salary of 600£ Sterling per annum formerly assigned for the Governor in Cheif out of our Revenue arising there, was not thought sufficient for his support, We have thought fit that 600£ sterling pr Annum more be added, out of our said Revenue to the said former Salary of the Governor of our said Province for the time being, amounting in the whole 1200£ sterling per Annum, which you are hereby empowered to take to yourself as Governour.

Money formerly given in presents to ye Governor now to be applied to the de[fence of the Province]

27th And whereas by this increase of Salary, the general Assembly of our said Province will have an opportunity and be in a condition of applying those sums which they usually gave in presents to the Governors, or Lieutenant Governor's by the temporary levies towards such other publick uses, as may be most necessary for the defence and safety of the said Province, We do not doubt but that in consideration of our care in exempting our good subjects from the customary burthen of Presents, the said Assembly may be the more easily induced to contribute in a more ample and effectual manner totheir own safety and Preservation.

This Declaration to be registred in Council & Assembly's Books.

28th And we do further direct & require that this Declaration of our Royal Will and pleasure be communicated to the Assembly at their first meeting after your arrival in our said Province, and entered in the Registers of our Council and Assembly, that all persons, whom it may concern, may govern themselves accordingly.

In the absence of the Governor the President or other Commander in Cheif for the time being to have one moiety of the Salary.

29th And whereas we are willing in the best manner to provide for the support of the Government of our said Province, by setting apart sufficient allowances to such as shall be our Governor, Lieutenant Governor, Commander in Cheif or President of the Council residing for the time being within the same, Our will and pleasure therefore is That when it shall happen that you shall be absent from the Territories of New York and New Jersey, of which we have Appointed you Governor, One full moiety of the Salary and of all perquisites and emoluments whatsoever, which would otherwise become due unto you, shall during the time of your absence from the said

Territories, be paid and satisfyed unto such Governor, Lieutenant Governor, Commander in Cheif or President of our Council who shall be resident upon the place for the time being, which we do hereby order and allot unto him towards his maintenance and for the better support of the Dignity of that our Government, Provided nevertheless and it is our intent and meaning that whenever you shall think it necessary for our service to go into our Colony of Connecticut to view and regulate the Militia, whereof we have appointed you our Captain General and Commander in Cheif, or whenever we shall think fit to require you, by our especial order, to repair to any other of our Governments on the Continent of America for our particular service, That then and in such case, you shall receive your full salary, perquisites and emoluments, as if you were then actually residing within our Province of New York and New Jersey or either of them: Any thing in these our Instructions to the contrary in any wise notwithstanding.

Except it be on the Continent of America upon Her Majesty's service.

Not to come to Europe without leave.

30th And whereas great prejudice may happen to our service and the security of the said Province, by your absence from those parts, without sufficient cause and especial leave from us; For prevention thereof you are not upon any pretence whatsoever, to come to Europe from your Government without haveing first obtained leave for so doing from us under our sign manual and signet, or by our order in our privy Council.

All money to be accounted for to the Queen and Ld Treasurer.

31st You are not to permit any clause whatsoever to be inserted in any law for levying mony or the value of money whereby the same shall not be made lyable to be accounted for unto us here in Great Britain and to our High Treasurer or our Commissioners of our Treasury for the time being.

Attested Accounts of the Revenue to be Transmitted half-yearly.

32d And we do particularly require and enjoyn you under the pain of our high displeasure to take care that fair books of Accounts of all Receipts & Payments of all such money be duly kept, and the truth thereof attested upon oath, and that the said Books be transmitted every half year or oftener to our High Treasurer or our Commissioners of our Treasury for the time being, and to our Commissioners for Trade and Plantations and duplicates thereof by the next conveyance. In which books shall be specifyed every particular sum raised or disposed of together with the names of the persons to whom any payment shall be made to the end we may be satisfyed of the right and due application of the Revenue of our said Province and the Territories depending thereon.

Mony to be issued by his Warrant with advice of Council.

Assembly may examine the accounts.

33th You are not to suffer any publick money whatsoever to be issued or disposed [of], otherwise than by Warrant under your hand by and with the Advice and Consent of the said Councill, but the Assembly may be nevertheless permitted from time to time to view and Examine the Accounts of money or value of money disposed of by vertue of Laws made by them, which you are to signify unto them as there shall be occasion.

No law for raising a Tax on Wines &c to be for less than a Year.

All other laws (except those for a temporary end) to be indefinite.

34th And it is our Express Will and pleasure that no law for raising any imposition on Wines and other strong liquors be made to continue for less than one whole year: As also that all other laws whatsoever, for the good Government and Support of the said Province be made indefinite and without limitation of time, except the same be for a temporary End, and which shall expire and have its full effect within a certain time.

Not to re enact any Law before enacted.

35th And therefore you shall not re-enact any law which has or shall have been once Enacted there, except upon very urgent occasions, but in no case more than once without our express consent.

Not to pass any Laws for altering the value of Coin contrary to the Act of Parliament.

36th You shall take care that an Act past here in the 6 year of our reign, entituled an Act for ascertaining the rates of foreign Coines in Her Majesty's plantations in America, be duly observed and put in execution within your Government.

Not to lessen the Revenue.

37th And you are particularly not to pass any Law or do any Act by Grant, Settlement, or otherwise, whereby our Revenue may be lessened or impaired without our especial leave or Cômand therein.

Not to dispose of fines above 10£ or dispose of escheats without direction.

38th You shall not remit any Fines or Forfeitures whatsoever above the summ of tenn pounds, nor dispose of any Escheats, Fines or Forfeitures whatsoever, untill upon signifying to Our High Treasurer or our Commissioners of our Treasury for the time being, and to our Commissioners for Trade and Plantations, the nature of the offence and the occasion of such fines, forfeitures or Escheats with the particular sums or value thereof (which you are to do with all speed when you have received our Directions therein); But you may in the mean time suspend the payment of the said Fines and Forfeitures.

The Sec'ry to provide Copies of Acts &ca

39th You are to require the Secretary of the said Province or his Deputy for the time being, to furnish you with transcripts of all such Acts and publick orders as shall be made from time to time together with a Copy of the Journals of the Councill, To the end the same may be transmitted unto us, and to our Commissioners for Trade and Plantations, as above directed; Which he is duly to perform upon pain of incurring the forfeiture of his place.

And Clerk of Assembly Copies of Journals &ca

40. You are also to require from the Clerk of the Assembly or other Proper Officer, Transcripts of all the Journals and other Proceedings of the said Assembly, to the end the same may in like manner be transmitted as aforesaid.

To send a Map of his Governmt and the Indian Country.

41th You shall transmit unto us and to our Commissioners for trade and Plantations, by the first opportunity, a Map with the exact description of the whole territory under your Government, with the several plantations upon it, and of the Fortifications, and you are likewise to use your best endeavours to procure a good Map to be drawn of all the Indian Country in the Neighbourhood of our Plantations in those parts, marking the names of the several nations (as they call themselves, and are called by the English, and French) and the places where they inhabit, and to transmit the same in like manner.

To send a list of Officers and account of the Revenue.

42d You are likewise to send a list of all Officers employed under your Government, together with all publick charges and an account of the present Revenue, with the probability of the encrease or diminution of it under every head or Article thereof.

Not to displace Officers without good cause.

43. You shall not displace any of the Judges, Justices, Sheriffs or other officers or Ministers within Our said Province of New York, without good and sufficient cause to be signifyed unto us, and to our Commissioners for Trade and Plantations, And to prevent Arbitrary Removalls of Judges and Justices of the peace, You shall not express any limitation of time in the Commissions which you are to grant with the advice

Not to execute any of the sd offices by himself or Deputy. No person to execute more than one by Deputy.

and Consent of our Councill of the said Province, to persons fit for those employments; Nor shall you execute by yourself or Deputy any of the said offices, nor suffer any person to execute more offices than one by Deputy.

To suspend Patent officers upon misbehaviour but not to dispose of their places without order.

44. Whereas we are given to understand that there are severall offices within our said Province, granted under our great seal of this Kingdom, and that our service may be very much prejudiced by reason of the absence of the Patentees and of their appointing Deputies not fit to officiate in their stead, You are therefore to inspect the said Offices, and to enquire into the Capacity and behaviour of the persons now exercising them, and to report thereupon to us, and to our Commissioners for Trade and Plantations what you think fit to be done or altered in relation thereunto; And you are upon the misbehaviour of any of the said patentees or their deputies to suspend them from the execution of their places, 'till you shall have represented the whole matter, and received our directions herein. But you shall not by colour of any power or Authority hereby or otherwise granted or mentioned to be granted unto you, take upon you to give, grant or dispose of, any office or place within the said Province, which now is or shall be granted under the great seal of Great Britain, any otherways than that you may upon the vacancy of any such office or place or suspension of any such officer by you as aforesaid, put in any fit person to officiate in the interval, 'till you shall have represented the matter unto us, and to our Commissioners for Trade and Plantations as aforesaid; which you are to doe by the first opportunity, and untill the said Officeor place be disposed of by us, our heires or successors under the Great Seale of Great Britain, or that our further directions be given therein.

Pirates Effects to be secured 'till further Order.

45. In case any goods money or other Estate of Pirates or Piratically taken shall be brought in or found within our said Province, or taken on board any ships or vessells, you are to cause the same to be seized and secured, untill you shall have given us an account thereof, and received Our pleasure concerning the disposal of the same.

if perishable the produce to be secured.

But in case such goods or any part of them are perishable, the same shall be publickly sold and disposed of, and the produce thereof in like manner secured untill our further Order,

Tryals of Pirates to be agreeable to the Act for suppression of piracy.

46. And whereas Commissions have been granted unto several persons in our respective plantations in America for the Trying of Pirates in those parts, pursuant to the Act for the more effectual suppression of Piracy, and by a Commission already sent to Our Province of New York, you (as Captain General and Governour in Cheif of our said Province) are impowered, together with others therein mentioned, to proceed accordingly in reference to our said Province Our Will and pleasure is That in all matters relating to Pirates you govern yourself according to the Intent of the Act and Commission aforementioned. But whereas accessories in Cases of Piracy beyond the seas, are by the said Act to be tryed in England, according to the Statute of the 28th of King Henry the 8th we do hereby further direct and require you to send all such Accessories in Cases of Piracy in our foresaid Province into this Kingdom with the proper evidences that you may have against them in Order to their being Tryed here, and you are to give notice of this our pleasure herein to our Province of New Jersey and to the Governour and Company of our Colony of Connecticut, that they may conform themselves thereunto.

But accessories &c to be sent to England.

To give Notice thereof in New Jersey & Connecticut.

Not to Erect any new Court or Office.

47th You shall not erect any Court or office of Judicature not before Erected or established nor dissolve any Court or Office already erected or established

without our especial Order, But in regard we have been informed that there is a great want of a particular Court for determining of small causes, you are to recommend it to the Assembly of our said province that a Law be passed for the constituting such Court or Courts for the ease of our Subjects there, And you are from time to time to transmit to our said Commissioners for Trade and Plantations an Exact Account of what causes have been determined, what shall be then depending, as likewise an Abstract of all proceedings in the several Courts of Justice within Your said Government.

Except for tryal of small causes.

To send an Account of all Courts, Offices &c

48th You are to transmit unto us and to our Commissioners for Trade and Plantations, with all convenient speed, a particular account of all Establishments of Jurisdictions, Courts, Offices and Officers, Powers, Authorities, Fees and Priviledges, granted or settled within the said Province, to the end you may receive our further Directions therein.

To regulate Salaries Fees &c

49th And you are with the advice and Consent of the said Councill to take especial care to regulate all Salaries and Fees belonging places, or paid upon Emergencies that they be within the bounds of moderation, and that no exaction be made upon any occasion whatsoever; As also that Tables of Fees be publickly hung up in all places, where such Fees are to be paid; And you are to transmit Copies of all such tables of Fees to us and to our Commissioners for Trade and Plantations as aforesaid.

To call a Court of Exchequer.

50th Whereas it is necessary that our rights and Dues be preserved and recovered, and that speedy and effectual justice be administered in all cases relating to our Revenue; You are to take care that a Court of Exchequer be called, and do meet at such times as shall be needfull, and you are upon your arrivall to inform us and our Commissioners for Trade and Plantations, whether our Service may require that a constant Court of Exchequer be settled & Established there.

To punish according to Law.

51 You are to take care that no man's life, member, freehold or goods be taken away or harmed in our said Province otherwise than by Established and known Laws, not repugnant to but as much as may be agreeable to the Laws of this Kingdom.

To administer the Oaths to all Councillors, Assembly Men, Officers &c.

52. You shall administer or cause to be administered the Oaths appointed by Act of Parliament to be taken instead of the Oaths of Allegiance and Supremacy, and the Oath mentioned in the foresaid Act, Entituled An Act to declare the Alteration in the Oath Appointed to be taken by the Act, intituled an Act for the further Security of His Majesty's person and the succession of the crown in the Protestant Line, and for extinguishing the hopes of the pretended Prince of Wales and all other Pretenders and their open and secret abettors, and for Declaring the Association to be determined, to the Members and Officers of our Councill and Assembly and to all Judges and Justices, and all other persons that hold any Office or place of Trust or profit in our said Province, whether by Vertue of any patent under our great seal of this Kingdom, or our publick seal of New York or otherwise: and you shall also cause them to make and subscribe the aforesaid Declaration, without the doing of all which you are not to admitt any person whatsoever into any publick Office, nor suffer those that have been admitted formerly to continue therein.

To permit Liberty of Conscience to all except Papists.

53d You are [to] permit a Liberty of Conscience to all Persons (except Papists) so they be contented with a quiet and peaceable enjoyment of the same, not giving Offence or Scandal to the Government.

To send the number of Inhabitants &c.

54th You shall send to us and to our Commissioners for Trade and Plantations by the Conveyance of any of our ships of War an Account of the present number of Planters and Inhabitants, Men, Women and Children, as well Masters as Servants, Free and unfree, and of the slaves in our said Province, as also a yearly account of the Encrease or Decrease of them and how many of them are fit to bear Arms in the Militia of our said Province.

To send account of all Births, Burialls &c.

55th You shall also cause an exact account to be kept of all persons born christened and buryed, and you shall yearly send fair abstracts thereof to us and to our Commissioners for Trade and Plantations as aforesaid.

All Christian Inhabitants to be provided with Arms &c.

56th You shall take care that all Planters and Christian servants be well and fitly provided with Arms; and that they be listed under good Officers, and when, and as often as shall be thought fit, mustered and trained, whereby they may be in a better readiness for the defence of our province under Your Government, and You are to use Your utmost endeavours that such Planters do each of them keep such a number of White Servants, as by Law is directed, and that they appear in Arms, when thereunto required.

Not to make unnecessary Marches.

57th You are to take especial care that neither the frequency nor unreasonableness of their Marchings, Musters and Trainings be an unnecessary impediment to the affairs of the Inhabitants.

Not to execute Law Martial without consent of Council.

58th You shall not upon any occasion whatsoever establish or put in execution any Articles of War or other Law Martial, upon any of our subjects, Inhabitants of our said Province without the advice and consent of our Councill there.

To get a Law pass'd for punishing Mutiny &c.

59th And whereas there is no power given you by your Commission to execute Martial Law in time of peace, upon Soldiers in pay, and that nevertheless it may be necessary, that some care be taken for the keeping of good Discipline amongst those that are now in our said Province, or that we may at any time hereafter think fit to send into our said Province (which may properly be provided for by the Legislative Power of the same) You are therefore to recommend unto the General Assembly of our said Province, that (if not already done) they prepare such act or Law for punishing of Mutiny, Desertion and false Musters, and for the better preserving of good Discipline amongst the said Soldiers, as may best answer those Ends.

To suspend Captains &c of Ships for negligence &c

60. And whereas, together with other powers of Vice-admiralty you will receive Authority from our High Admiral of Great Britain and of our Plantations, upon the refusal or neglect of any Captain or Commander of any of our Ships of War to execute the written orders he shall receive from you for our service and the service of our Province under your Government or upon his negligent or undone execution thereof, to suspend such Captain or Commander, from the exercise of his said office of Captain or Commander and to

And to commit him and send him home.

commit him into safe custody, either on board his own ship or elsewhere at your discretion, in order to his being brought to answer to such refusal or neglect, by Commission either under our great seal of this Kingdom, or from our High Admiral, or our Commissioners for executing the office of High Admiral of Great Britain for the time being; And whereas you will likewise receive direction from our High Admiral of Great Britain, and of our Plantations, that the Captain or Commander so by you suspended, shall during such his

To be succeeded in due course.

suspension and commitment be succeeded in his said office, by such Commission or Warrant Officer of our said ship, appointed by our said High Admiral of Great

Britain, or by our Commissioners for executing the office of our High Admiral of Great Britain for the time being, as by the known practice and discipline of our Navy does and ought next to succeed as in case of Death, sickness or other ordinary disability happening to the Commander of any of our Ships of War, and not otherwise, You standing accountable for the truth and importance of the crime and misdemeanour for which you shall so proceed to the suspending of such our Captain or Commander. You are not to exercise the said power of suspending any such Captains or Commanders of our Ships of War, otherwise than by virtue of such Commission or Authority from our said High Admiral, any former custom or usage notwithstanding.

To stand accountable for the importance of the crime for which he shall suspend any Capt &c.

To send accounts of Arms, Ammunition, &c.

61. You are to demand an Account from all persons concerned of the Arms, Ammunition and stores sent to our said Province under your Government from our Office of Ordnance here, as likewise what other Arms, Ammunition and stores have been bought with the publick mony for the service of our said Province, and how the same have been imployed, and whether any of them, and how many of them have been sold, spent, lost, decayed or disposed of, and to whom and to what uses, and to transmit the said account unto us, and to our Commissioners for Trade and Plantations as aforesaid.

And an Inventory of all Arms, &c.

62. You shall take an Inventory of all Arms, Ammunition and Stores remaining in any of our Magazines or Garrisons in Our Province under Your Government, and immediately after your arrival transmit the same to us and to our Commissioners for Trade and Plantations and the like Inventory afterwards half yearly. As also a Duplicate thereof to our Master General or Principal officers of our Ordnance which accounts are to express the particulars of Ordnance, Carriages, Ball, Powder and all other sorts of arms and ammunition in our Publick Stores, at your said arrival, and so from time to time of what shall be sent to you or bought with the said publick mony and to specify the time of the disposal & of the occasion thereof.

To settle fit storehouses for arms &cd

63 You are to take Especial care that fit storehouses be settled throughout our said Province, for receiving and keeping of arms, ammunition and other public stores.

Copies of Entries to be sent of all Goods exported or imported quarterly.

64 And that we may be the better informed of the Trade of our said Province, You are to take especial care, that due Entries be made in all Ports of our said Province, of all Goods and Commodities, their species and quantities, imported or exported from thence, with the Names, burthen and gunns of all Ships importing and exporting the same, also the Names of their Comanders, and likewise expressing from and to what places the said ships do come and goe (a Copy whereof the Naval officer is to furnish you with) and you are to transmit the same unto us, our High Treasurer or Comissioners of our Treasury for the time being, and to our Commissioners for Trade and Plantations quarterly, & Duplicates thereof by the next conveyance.

To endeavour the Improvement of Trade &c.

65th You are likewise to examine what Rates and Duties are charged and payable upon any Goods imported or Exported within our Province of New York, whether of the growth and manufacture of the said Province or otherwise: And to use your best Endeavours for the Improvement of the Trade in those parts.

To encourage the Officers of the Admiralty and Customs.

66th And whereas orders have been given for the Comissionating of fit Persons to be Officers of our Admiralty and Customs in our Province of New York and our Colony of Connecticut, of both which you are appointed Vice Admiral;

And it being of great importance to the trade of this Kingdom, and to the Welfare of our Plantations, that illegal Trade be every where discouraged; You are therefore to take Especial care that the Acts of trade and navigation be duly put in execution; and in order thereunto, You are to give constant protection and all due incouragement to the said Officers of our Admiralty and Customs in the Execution of their respective Offices and Trusts.

To give account of the strength &c of his Neighbours.

67th You are from time to time to give an account as before directed what strength your bordering Neighbours have (be they Indians or others) by Sea and Land, and of the Condition of their Plantations, and what Correspondence you do keep with them.

Religion.

68th You shall take especial care that God Almighty be devoutly and duly served throughout your Government, the Book of Common Prayer, as by law established, read each Sunday and Holy Day, and the Blessed Sacrament administred according to the Rites of the Church of England.

Churches.

69th. You shall be careful that the Churches already built there be well and orderly kept, and that more be built as the Colony shall by Gods blessing be

Minister

improved, and that besides a competent maintenance to be assigned to the Minister of each orthodox Church, a convenient house be built at the common charge for each Minister, and a Competent proportion of glebe assigned him.

Parishes to be limited and settled.

70. And you are to take care that the Parishes be so bounded and settled as you shall find most convenient for the accomplishing this good work.

No Minister to be preferred without Certificate from the Bp of London.

71. You are not to prefer any minister to any Ecclesiastical Benefice in that our Province, without a Certificate from the Right Reverend Father in God the Lord Bishop of London of his being conformable to the Doctrine and Discipline of the Church of England, (and of good life and conversation) and if any person preferred already to a Benefice shall appear to give scandal either by his Doctrine or manners you are to use the proper and usual means for the removal of him, and to supply the vacancy in such manner as we have directed.

Ministers to be of the Vestries.

72. You are to give order forthwith (if the same be not already done) that every orthodox Minister within Your Government be one of the Vestry in his respective parish and that no Vestry be held without him, except in case of sickness or that after Notice of a Vestry summoned he omit to come.

To inform the Bishop of London if any preach without Orders.

73. You are to enquire whether there be any minister within your Governm^{t} who preaches and administers the Sacrament in any orthodox Church or Chappel without being in due Orders and to give an account thereof to the said Lord Bishop of London.

To Collate to Benefices, Grant Lycences &c

74. And to the end the Ecclesiasticall Jurisdiction of the said Bishop of London may take place in that Province, so far as conveniently may be, We do think fit that you do give all countenance and Encouragement to the Exercise of the same; Excepting only the collating to Benefices, granting Licenses to Marriges, and Probate of Wills, which we have reserved to you our Governour and to the Comander in Cheif of our said Province for the time being.

None to go from England to keep school there without Lycense from the Bishop of London.

75. We do further direct that no Schoolmaster be henceforth permited to come from this Kingdome and to keep school within our Province of New York without the Lycense of the said Lord Bishop of London, and that no other person now

there or that shall come from other parts, be admitted to keep school without your License first obtained.

Tables of Marriages to be hung up in Churches

76th And you are to take Especial care that a Table of Marriages, established by the Canons of the Church of England, be hung up in every orthodox church and duly observed: and you are to endeavour to get a Law past in the Assembly of that Province (if not already done) for the strict observation of the said Table.

To punish Drunkeness. Debauchery, &c.

77. You are to take care that Drunkenness and Debauchery, Swearing and Blasphemy be discountenanced and punished, And for the further discountenance of vice and Encouragement of vertue and Good Living (that by such example the Infidels may be invited & desire to partake of the Christian Religion) you are not to admit any person to publick trusts and employments whose ill Fame and Conversation may occasion scandal.

Scandalous persons to be debarr'd from Publick Trust.

To suppress the Engrossing of Commodities and to regulate commerce.

78th You are to suppress the ingrossing of Commodities, as tending to the prejudice of that freedom which Trade and Commerce ought to have, and to settle such orders and Regulations therein with the advice of Our said Councill as may be most acceptable to the Generality of the Inhabitants.

To encourage Merchants and the African Company.

79. You are to give all due encouragement and invitation to Merchants and others, who shall bring trade unto our said province, or any way contribute to the advantage thereof, and in particular to the Royal African Company of England.

Due payment to be made for Negroes.

80th And as we are willing to recommend unto the said Company that the said Province may have a constant and sufficient supply of Merchantable Negroes at moderate prices, in money or Commodities, so you are to take Especial care that Payment be duly made, and within a competent time according to their Agreements.

No Trade to Africa but according to the Act for settling that trade.

81. And you are to take care that there be no trading from the said Province to any place in Africa, within the charter of the Royal African Company, otherwise than prescribed by an Act of Parliament past in 1697, Entituled An Act to settle the Trade to Africa.

To send ½ yearly accots of Negroes Imported

82. And we do further expressly command and require you to give unto us and to our Commissioners for Trade and Plantations an Account every half year of what number of Negroes the said Province is supplied with, that is what number by the African Companey and what by seperate traders and at what rates sold.

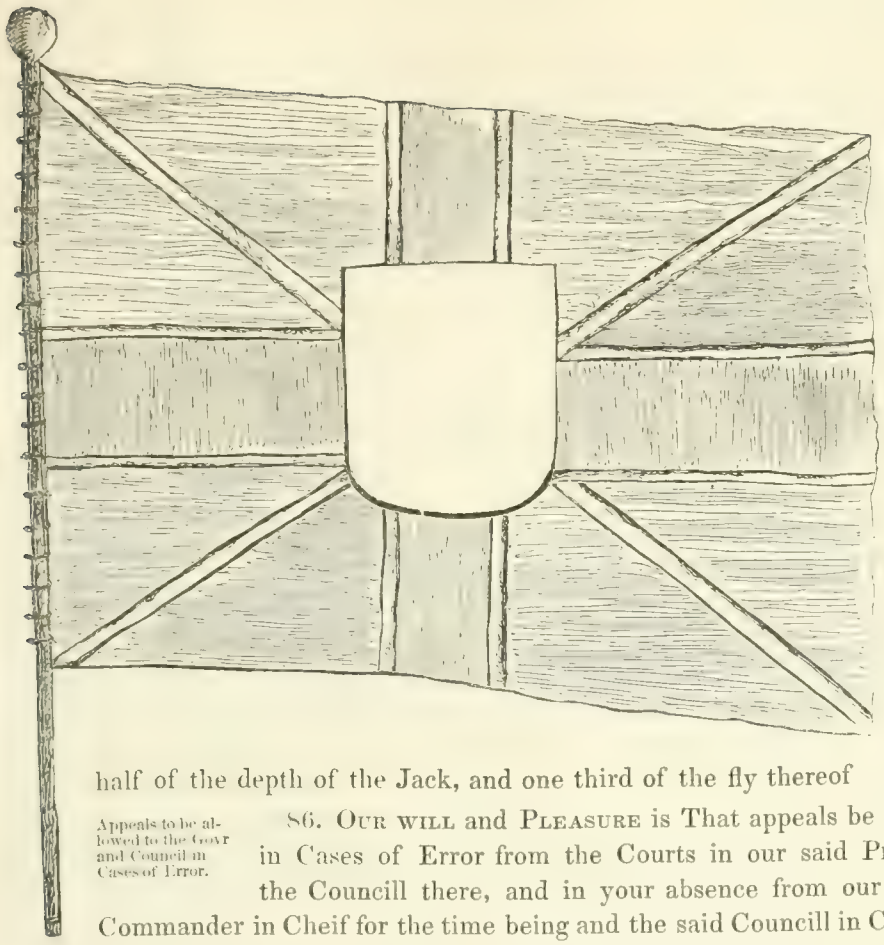
83. You are likewise from time to time to give unto us and to our Commissioners for Trade and Plantations as aforesaid, an account of the Wants and Defects of the said Province; What are the chief products thereof, what new improvements are made therein by the industry of the inhabitants or planters, and what further Improvements you conceive may be made; or advantages gained by Trade, and which way we may contribute thereunto.

Not to grant Commissions of Marque &c without Order.

84. You are not to grant Commissions of Marque or Reprisals, against any Prince, or State, or their subjects in Amity, with us, to any person whatsoever, with out our especial command

Directions about Colours to be worn by Merchant Ships, &c.

85. Whereas great Inconveniences do happen by Merchant Ships and other Vessels in the Plantations, wearing the colours born by our Ships of War under pretence of Commissions granted to them by the Governors of the said Plantations, and that by Trading under those colours, not only amongst our own subjects, but also those of other Princes and States & committing divers Irregularities they do very



much dishonour our service for prevention whereof you are to oblige the Commanders of all such ships to which you shall grant Commission to wear, no other Jack than according to the Sample here Discribed, that is to say such as is worn by our ships of war, with the Distinction of a White Escutcheon in the middle thereof, and that the said mark of Distinction may extend itself one half of the depth of the Jack, and one third of the fly thereof

particular directions.

Appeals to be allowed to the Govr and Council in Cases of Error.

86. Our will and Pleasure is That appeals be permitted to be made in Cases of Error from the Courts in our said Province unto you and the Councill there, and in your absence from our said province to the Commander in Cheif for the time being and the said Councill in Civill Causes, wherein such of our said Councill as shall be at that time Judges of the Court from whenec such shall be made to you our Governour and Councill or to the Commander in Cheif for the time being, and Counsell as aforesaid, shall not be permitted to vote upon the said appeal; But they may nevertheless be present at the hearing thereof to give the reasons of the Judgment given by them in the Cause wherein such appeal shall be made, Provided nevertheless that in all such appeals the sum or value appealed for do exceed one hundred pounds sterling, and that security be first duly given by the Appellant to answer such charges as shall be awarded, in case the first sentence be affirmed, And if either party shall not rest satisfyed with the Judgment of you or the Commander in Cheif for the time being and Councill aforesaid, Our Will and Pleasure is, That they may then appeal unto us in our Privy Councill, Provided the sum or value so appealed for unto us do exceed three hundred pounds sterling and that such appeal be made within fourteen days after sentence and good security given by the Appellant that he will effectually prosecute the same, and answer the condemnation, as also pay such costs and damages as shall be awarded by us, in Case the Sentence of you or the Commander in Cheif for the time being and Councill be affirmed, Provided also that the execution be not suspended by reason of any such appeal to us.

may appeal to the Queen if the value exceed 300li

and be made within fourteen days.

To permit appeals in Cases of Fines.

87. You are also to permit appeals to us in Councill, in all Cases of Fines imposed for Misdemeanours PROVIDED the Fines so imposed amount to or exceed

if the exceed 200li the appellant giving security.

the value of Two Hundred Pounds, the appellant first giving good security that he will effectually prosecute the same and answer the condemnation, if the sentence, by which such Fine was imposed in New York, shall be confirmed.

To pass a Law for the Qualification of Jurors.

88th Whereas in the 7th Assembly and 7th Session beginning the 2d of March 1698 and ending the 16th of May 1699 An Act was past at New York intituled an Act for the regulating and returning able and sufficient Jurors and confirmed the 5th of September 1700, which Act being a Temporary Law and since expired, You are therefore for the better administration of Justice to endeavour to get a Law past (if not already done) wherein shall be set the value of Men's Estates either in Goods or Lands under which they shall not be Capable of serving as Jurors.

To pass a Law for preventing inhumane severities.

89th You shall endeavour to get a Law past (if not already done) for the restraining of any inhumane severity which by ill Masters or overseers may be used towards their Christian servants and their slaves, and that provision be

Wilful murder of Indians or Negroes &c to be punished with Death.

made therein, that the wilful killing of Indians and Negroes, may be punished with death, and a fit penalty imposed for the maiming of them.

To encourage the Conversion of Indians and Negroes.

90. And you are also with the assistance of the Councill and Assembly to find out the best means to facilitate and incourage the conversion of Negroes and Indians to the Christian Religion; more especially you are to use your endeavours

and settle Ministers among the five nations.

with the Assembly, that they make provision for the maintenance of some Ministers to inhabit amongst the Five Nations of Indians, in order to instruct them, and also to prevent their being seduced from their Allegiance to us by French Priests and Jesuits.

To imploy the Poor.

91. You are to endeavour with the assistance of the Councill, to provide for the raising of Stocks, and building of publick Work-houses, in convenient places for the employment of Poor and indigent people.

To pass a Law to force bankrupts in England who have Estates in New York to pay their Depts

92d You are to propose an Act to be past in the Assembly whereby the creditors of Persons becoming bankrupts in this kingdom, and having Estates in New York, may be releived and satisfyed for the Debts owing to them.

Contributions to be furnished by several Colonies towards the defence of New York.

93th Whereas it hath been thought requisite that the General Security of our Plantations upon the Continent of America be provided for by a Contribution in proportion to the respective abilities of each Plantation; And whereas the Northern Frontiers of the Province of New York, being the most exposed to an Enemy, do require an Extraordinary charge, for the erecting and maintaining of Forts necessary for the defence thereof; and our Dearest Brother the late king having given orders for the advancing of 500£ Sterl. towards a Fort in the Onondage Country and of 2000£ sterling towards the rebuilding of the Forts at Albany and Schenectady, and likewise by Letters under His Royal Sign Manual directed the Governors of divers of the Plantations to recommend to the Councills & Generall Assemblies of the said Plantations that they respectively furnish a proportionable sum towards the Fortifications on the Frontiers of our said Province of New York, viz[t]

	£
Rhode Island & Providence Plant[n]	150
Connecticut	450

Pensylvania	350
Maryland	650
Virginia	900

And whereas we thought fit to direct that you also signify to our Province of Nova Cæsaria or New Jersey, that the sums which we have at present thought fit to be contributed by them (if not already done) in proportion to what has been directed to be supplyed by our other Plantations as aforesaid, are 250£ sterling for the Division of East New Jersey, and 250£ sterling for the division of West New Jersey; You are therefore to inform yourself of what has been done therein and what remains farther to be done and to send an Account thereof to us and to our Commissioners of Trade and Plantations as aforesaid.

To take speedy care for Repair of the Forts

94th And you are also in our Name instantly to recommend to our Councill and General Assembly of our said Province of New York that they exert the utmost of their power in providing without delay what further shall be requisite for the repairing, erecting and maintaining of such Forts in all Parts of that Province, as you and they shall agree upon.

95. And you are likewise to signify to our said Councill and the said General Assembly for their further Incouragement, that besides the Contributions to be made towards the raising and maintaining of Forts and Fortifications on that Frontier as above mentioned, We have also directed that in case the said Frontier be at any time invaded by an enemy, the neighbouring Colonies and Plantations upon that Continent shall make Good in men (or mony in lieu thereof) their Quota of assistance according to the following Repartitions, viz[t]

Quotas of men which sevl Colonies are to furnish in case New York be invaded.

	Men.
The Massachusett's Bay	350
New Hampshire	40
Rhode Island	48
Connecticut	120
New York	200
East New Jersey	60
West New Jersey	60
Pensylvania	80
Maryland.	160
Virginia.	240
Making together	1358 Men

Pursuant whereunto you are, as occasion requires, to call for the same; and in case of any Invasion upon the neighbouring Plantations, You are, upon application of the Respective Governors thereof, to be aiding and assisting to them in the best manner you can, and as the condition and safty of your Government will permit.

New York to assist their Neighbours in like case.

96. And you are withall to signify to our said Councill and the General Assemblys of New York, that according to their behaviour in this occasion, they will recommend themselves to our Royal Grace and favour.

The building a Fort in the Onondage County not to hinder the repairing of Albany or Schenectady.

97th And you are more particularly to take notice that notwithstanding his late Majesty was graciously pleased to advance 500li towards a Fort in the Onondage Country, and to give order for the building thereof, which upon Information received from the Earl of Bellomont, concerning an alarm of a General Insurrection of Indians did then appear to be very necessary, Yet nevertheless these orders were never intended to interfere with the repairing of the Forts at Albany and Schenectady at the same time, which we think so absolutely needfull, that unless those two nearest Forts be kept in a sufficient State of Defence, the building of a Fort in so remote a Part as the Onondage Country will, in time of war, (by its falling into the Enemy's hands without our having any other place of security and retreat for our Indians) be of much worse consequence, then if there were no such Fort. And you are therefore to use your endeavours with the Councill and Assembly of that province, for the passing of such further Acts as may direct the mony raised or to be raised by them, for the building or repairing of Forts to be applyed in the first place to those of Albany and Schenectady, and afterwards to such others as you and they shall agree to be necessary.

The Assembly to order the mony which shall be raised for Forts &c, to be first apply'd to Albany and Schenectady.

To send an account of the State of Defence of New York and Connecticut speedily and yearly.

98th And whereas it is absolutely necessary that we be punctually informed of the State of Defence of all our Plantations in America, in every respect, and more especially with relation to the Forts and Fortifications that are in each Plantation and what more may be necessary to be built for the defence and Security of the same, You are so soon as possible to prepare a particular account thereof with Relation not only to the province of New York but also to the Colony of Connecticut, whose Militia is under your command, and to transmit the same to us and to our said Commissioners for Trade and Plantations, and the like accounts afterwards yearly in the same manner.

No Inovation within the River at N. York nor Goods pass up it without paying the Duty.

99. And whereas we are informed that some of the Colonyes adjoyning to our said Province, under Colour of Grants, or upon some other groundless pretences, endeavour to obstruct the Trade of New York and Albany, You are not to suffer any Innovation within the River of New York, nor any goods to pass up the same but what shall have paid the Duties at New York, to the End the Cheif Benefit of that Trade may be preserved to the Inhabitants and Traders of New York and Albany, the same being agreable to the Laws of the said Province, to former practice, as well as necessary for the collecting those Customs and other duties, which are to be raised for the support of the Government there.

To incourage and assemble the five nations of Indians and assure them of Her Majesty's protection.

100. You are to incourage the Indians upon all occasions, so as to enduce them to trade with our Subjects, rather than any others of Europe; and you are to call before you the five nations or Cantons of Indians, vizt The Maqua's, Seneca's, Cayouges, Oneydes, and Onondages, and upon their renewing their Submission to our Government You are to assure them in our name that we will protect them as our subjects against the French King and all his Subjects and you are to give the like assurance to the Schacook or River Indians, and to such other Indians in that neighbourhood as by their union and friendship with the five nations aforesaid, and in conjunction with them shall submit themselves in the same manner to our Government; and when any opportunity shall offer for purchasing great tracts of land for us from the Indians for small sûms, You are to use your discretion therein as you Judge for the convenience or advantage which may arise unto us by the same; And you are to inform us and our Commissrs for Trade

To purchase Land of the Indians in the Queen's name.

and Plantations as aforesaid, what has been the consequence of the Treaty of Neutrality agreed between the said Five Nations and the French Indians.

To incourage the production of Naval Stores and preservation of Trees.

101. We being informed that our Province of New York do's abound with vast numbers of Pine Trees proper for the production of Pitch and Tar, amongst which are also some of the largest dimention fit for Masts for our first rate Ships of War, and that there are likewise great numbers of Oaks and other Trees fit for beams, knees, planks, and other uses in our Navy Royal and it being highly for our service and the advantage of this Kingdom that all sorts of Naval stores be as much as possible produced in our Plantations in America, and from thence imported hither; You are therefore to apply your utmost care and diligence towards the promoting of so necessary a Work; and if in order to the more effectual prosecution and advancement thereof, you find it necessary to desire the concurrence or assistance of the General Assembly of that Province towards carrying on the same, or any part thereof, You are accordingly to move them that such reasonable Laws may be enacted as will best conduce thereunto; or if that also shall prove insufficient, You are

To write what assistance will be necessary from England and transmit his Proceedings therein.

to consider what further assistance may be necessary from hence, whether by Act of Parliament or otherwise, and you are to transmit to us and to our said Commissioners for Trade and Plantations a particular account of all your proceedings therein and of the obstacles you meet with, and by what means you conceive those Obstacles may be best removed.

Some Acts repealed and some confirmed relating to Grants.

102 Whereas We have thought fit by our order in Council of th 26th of June 1708, to repeal an Act pass'd at New York the 27th of November 1702, Entituled an Act for Repealing several Acts of Assembly, and declaring other Ordinances, published as Acts of Assembly, to be void; And whereas by the said order we have likewise thought fit to confirm and approve an Act passed at New York the 2d of March 169$\frac{8}{9}$ Entituled, An Act for Vacating, Breaking and annulling several extravagant Grants of Land made by Colonel Benjamin Fletcher late Governor of this Province under his Majesty; By the

particular orders relating to granting of Lands.

confirmation of which Act several large Tracts of Land (as by the said Act will more fully appear) are resumed to us, and are in our Disposal to Re-grant, as we shall see occasion, our Will and pleasure therefore is, that you may re-grant to the late Patentees of such Resumed Grants, a suitable number of acres, not exceeding two thousand to any one person; and that in such Grants as well as in all future Grants, there be a Reservation to us, Our Heirs and Successors of an yearly Quit Rent of two shillings and sixpence for every hundred acres, with a Covenant to plant, settle and effectually cultivate at least three acres of Land for every fifty acres, within three years after the same shall be so granted, upon Penalty of Forfeiture of every such Grant.

103. And for the more convenient and equal setting out of all Lands to be granted within our said Province of New York, our further Will and pleasure is that you our Governor or the Commander in Cheif of our said Province for the time being, the Collector of our Customs, our Secretary and Surveyor General of New York, for the time being (the Surveyor General always to be one) or any three or more of you and them, do set out all Lands to be hereafter granted, and that therein you have regard to the profitable and unprofitable acres, so that each Grantee may have a proportionable number of one sort and the other; as likewise that the length of each Tract of Land to be hereafter granted, do not extend along the Banks of any river, but into the Main Land, that thereby the said Grantees may have each a convenient share of what accomôdation the said Rivers may afford for Navigation or otherwise.

To preserve Pine Trees, &c.

104. And to prevent any Impediment which the production of Naval Stores in our said Province may receive from such Grants, You are to take care That in all New Patents for Land there be inserted a Clause to restrain the Grantees from burning the Woods to clear the Land, under the Penalty of forfeiting their Patent and you are to use your endeavours to procure an Act to be passed in the Assembly of New York for that purpose.

To preserve Trees of 24 Inches Diameter.

105. And our further pleasure is that in the said Patents there be likewise a particular reservation to us, our Heirs and successors, of all Trees of the Diameter of Twenty Four Inches and upwards, at twelve inches from the Ground, for Masts for our Royal Navy, as also of such other Trees as may be fit to make Plancks, knees &c for the use of our said Navy.

Upon his Death or absence if there be no Lieut Govr on the place the President of the Council to take upon him the Government.

106. And whereas we have been pleased by our Commission to direct that in case of your death or absence from our said Province, and in case there be at that time no person upon the place Commissionated or appointed by us to be our Lieutenant Governor or Commander in Chief; The then President of our Councill shall take upon him the administration of the Government and execute our said Commission and the several Powers and authorities therein contained in the manner therein directed, It is nevertheless our Express will and pleasure, that in such case the said President shall forbear to pass any Act or Acts but what are immediately necessary for the Peace and Welfare of our said Province, without our particular Order for that purpose.

but not to pass any Acts but what are immediately necessary.

All writs to be passed in the Queen's name.

107. You are to take care that all writs be issued in our Name throughout our said Province and the Territories depending thereon.

To permit no Printing Press without his license.

108. Forasmuch as great Inconveniencies may arise by the liberty of printing within the Province of New York, you are to provide by all necessary orders, that no Person keep any press for printing, nor that any Book or Pamphlet or other matters whatsoever be printed without your especial leave & License first obtained.

To do anything with advice of Council for the advantage of the Province transmitting an account thereof.

109 If any thing shall happen that may be of advantage and security to our said Province, which is not herein or by our Commission provided for, We do hereby allow unto you with the advice and Consent of our Councill, to take order for the present therein, giving to us by one of our principal Secretaries of State; and to our forsaid Commissioners for Trade and Plantations, speedy notice thereof, that so you may receive our Ratification, if we shall approve of the same.

Not to declare war without order Except against Indians upon Emergencies with advice of Council.

110. Provided always that you do not by collour of any Power or Authority hereby given you, commence or declare War without our knowledge and particular commands therein, Except it be against Indians upon Emergencies, wherein the Consent of our Councill shall be had, and speedy notice given thereof unto us as aforesaid.

To send an account of his Government upon all occasions.

111. And you are upon all occasions to send unto us by one of our principal Secretaries of State and to our Commissioners for Trade and Plantations a particular account of all your Proceedings, and of the Condition of affairs within Your Government.

The Laws relating to the Plantations and the Trade thereof to be observed.

112. And whereas the Lords Spiritual and Temporal in Parliament, upon consideration of the great abuses practised in the Plantation Trade did by an

humble Address represent to his late Majesty the great importance it is of, both to this our kingdom, and to our Plantations in America, That the many good Laws which have been made for the Government of our said Plantations and particularly the Act passed in the Seventh and Eigth years of his said Majesties Reign Entituled An Act for preventing Frauds and regulating abuses in the Plantation Trade, be strictly observed: You are therefore to take notice, That whereas notwithstanding the many good Laws made from time to time, for preventing Frauds in the Plantation Trade; It is nevertheless manifest that many great abuses have been and continue still to be practised to the prejudice of the same, which abuses must needs arise either from the persons who are accepted for security, or from the remissness or connivance of such as have been or are Governors in the several plantations who ought to take care that those persons who give bond should be duly prosecuted in case of non-performance; We take the good of our Plantations and the improvement of them by a strict and punctual observance of the several Laws in force concerning the same, to be of so great importance to the benefit of this Our Kingdom, and to the advancing of the Duties of our Customs here, that if we shall be hereafter informed that at any time there shall be any failure in the due observance of those Laws within the aforesaid Province of New York, and the Territories thereon depending by any wilfull fault or neglect on your part, We shall look upon it as a breach of the trust reposed in you by us which we shall punish with the loss of your place in that Government, and such further marks of our displeasure, as we shall judge reasonable to be inflicted upon you, for your offence against us in a matter of this consequence that we now so particularly charge you with.

By Her Majesty's Command.

Additional Instruction to our Trusty & Welbeloved Robert Hunter Esq^{r} Our Cap^{t} General & Governor in Cheif of Our Province of New York in America. Or to the Commander in Chief of our said Province for the time being. Given at our Court at S^{t} James's the 30th day of December 1709, in the Eighth Year of our Reign.

Whereas we have thought fit upon a Representation from our Commissioners of Trade and Plantations, to repeal two acts past in our Province of New York, the one entituled An Act for Regulating and Establishing Fees past the 24th of May 1709, the other entituled An Act to releive this Colony from divers Irregularities and Extortions passed the 6th October 1708 for the reasons which will be herewith delivered to you; and whereas the table of Fees settled in our said Province of New York in September 1693, will again be in force, until further Provision be made for the officers in our said service. It is Our Will and pleasure that after your arrival at New York, you do, so soon as conveniently may be, reconsider the said Table of Fees of 1693 and with the advice and assistance of our Council there (if need be) prepare such another Table of Fees, as may make a reasonable provision for the said officers, and be most agreable to the Circumstances of our said Province.

ORDERS AND INSTRUCTIONS to our Trusty and welbeloved Robert Hunter Esq^{r} our Capt General and Governour in Chief of our Province of New York in America in pursuance of several Laws relating to the Trade and Navigation of this Our Kingdom of Great Britain and our Colonies & Plantations in America. Given at our Court at the day of June in the year of our Reign.

FIRST. you shall inform your self of the Principal Laws relating to the Plantations Trade, viz^{t} The Act for encouraging and Encreasing of Shipping and Navigation, made in the 12th year of the reign of King Charles the Second; The Act for preventing frauds and regulating abuses in the Customs, made in the 14th year of the said Kings Reign; The Act for encouragement of Trade, made in the 15th year of the said King's Reign; the Act for Regulating the Plantation Trade, made in the 22nd and 23^{d} years of the said King's reign; The Act for the Encouragement of the Eastland and Greenland Trades, and better securing the Plantation Trade made in the 25th year of the said King's reign, and the Act for preventing Frauds and regulating abuses in the Plantation Trade, made in the 7th and 8th years of the Reign of His late Majesty, King William the 3^{d}: All which Laws you will herewith receive and you shall take a solemn oath to do your utmost That all the Clauses, Matters and things contained in the before recited Acts of Parliament heretofore passed and now in force, relating to our Colonies and Plantations be strictly and duly observed according to the true intent and meaning thereof.

2^{dly} And as by the last recited Act the officers appointed by the Governors for performance of certain things mentioned in the aforesaid Act for Encouragement of Trade, commonly known by the name of the Naval officers, are to give security to the Commissioners of our Customs in this Kingdom for the time being, or such as shall be appointed by them for our use, for the true and faithfull performance of their duty, You shall take care that the person by you so employed, do not only give such security to the said Commissioners of our Customs, but be approved of by them in manner as thereby is enjoyned.

3^{dly} Whereas by the said Act of Navigation no Goods or Commodities whatsoever are to be imported into or exported out of any of our Colonies or Plantations in any other ship or vessells whatsoever but in such as do truly and without fraud belong only to the people of England or Ireland or are of the build of, and belonging to, any of our Lands, Islands or Territories, as the Proprietors and right owners thereof, and whereof the Master and three fourths of the Mariners at least are English, under the Penalty of the forfeiture and loss of all the goods and commodities which shall be imported into, or exported out of any of the said Places in any other Ship or vessel with her Guns, Furniture &^{c} And whereas by a clause in the aforesaid Act of Frauds, no foreign built ship, that is to say not built in any of our dominions of Asia, Africa or America, or other than such as shall bonâ fide have been bought before the first of October 1662, and expressly named in the list thereby appointed to be made of all Foreign built ships in all the parts of England shall enjoy the Privilege of a ship belonging to England or Ireland; altho' own'd or mann'd by English (except such ships only as shall be taken at sea by Letters of Mart, or Reprisal, and Condemnation made in our Court of Admiralty (as lawful prize) but all such ships shall be deemed as Aliens ships and be lyable to all duties that Alien's ships are lyable to, by vertue of the aforesaid Act for Encourageing and Encreasing of Shipping and Navigation, And whereas by a clause in the aforesaid Act for preventing Frauds and

regulating Abuses in the Plantation Trade, 'tis enacted that after the Twenty Fifth of March 1698 no goods or merchandizes whatsoever shall be imported into or exported out of any of our Colonies or Plantations in Asia, Africa or America, or shall be laden or carried from any one port or place in the said Colonies or Plantations to any other port or place in the same our Kingdom of England, Dominion of Wales, or Town of Berwick upon Tweed in any Ship or Bottom, but what is or shall be of the build of England, or the build of Ireland, or of the said Colonies or Plantations, and wholly own'd by the people thereof or any of them, and Navigated with the Master and three fourths of the Mariners of the said places only, Except such ships only as shall be taken prize, and Condemnation thereof made in one of our Courts of Admiralty in England, Ireland or the said Colonies or Plantations, to be navigated by the Master and three fourths of the Mariners English, or of the said Plantations as aforesaid, & whereof the Property doth belong to Englishmen; with an Exception for three years to such Foreign built ships as shall be employed by the Commissioners of Our Navy for the time being, or upon Contract with them, in bringing only Masts, Timber & other Naval Stores for Our service, from the Colonies or Plantations aforesaid to this Kingdom, to be navigated as aforesaid and whereof the Property does belong to Englishmen, on the pain of forfeiture of Ship and Goods: And whereas by another clause in the said Act for the more effectual prevention of Frauds, which may be used by colouring Foreign Ships under English names, 'Tis further enacted That from and after the 25th of March 1698 no ship or vessell whatsoever shall be deemed or pass as a Ship of the build of England, Ireland, Wales, Berwick, Guernsey, Jersey, or of any of our Plantations in America so as to be qualifyed to trade to, from or in any of the said Plantations, until the Person or Persons claiming Property in such ship or vessel, shall register the same in manner thereby appointed; You shall take care and give in charge, that these matters and things be duely observed within Our Province of New York, according to the true intent and meaning of the said Acts, and the Offences and Offenders prosecuted according to the Directions thereof, and where it is required that the Master and three fourths of the Mariners be English, you are to understand that the true intent and meaning thereof is that they shall be such during the whole Voyage, unless in case of sickness, Death or being taken prisoners in the voyage, to be proved by the Oath of the Master or other chief Officer of the Ship, and none but our subjects of England, Ireland, or the Plantations are to be accounted English.

4thly Whereas by the said Act of Navigation 'tis further Enacted, that for every ship or vessell which shall set sail out of or from England, Ireland, Wales or Berwick upon Tweed, for any English Plantations in America, Asia or Africa sufficient Bond shall be given with one surety to the chief Officers of the Customs of such Port or place from whence the said ship shall set sail, to the value of one thousand pounds if the Ship be of less burthen than one hundred Tunns, and of the sûm of Two thousand pounds if the ship shall be of greater burthen, That in case the said ship or vessell shall load any of the Commodities therein enumerated, (vizt Sugar, Tobacco, Cotton Wool, Indico, Ginger, Fustick or other dying wood of the growth, production or Manufacture of any English Plantation in America, Asia or Africa) at any of the said English Plantations, the same Commodities shall be by the said ship brought to some port of England, Ireland, Wales or to the Port or Town of Berwick upon Tweed and be there unloaden and put on shoar, the danger of the Seas only excepted, And for all ships coming from any port or place to any of the aforesaid Plantations who by this act are permitted to trade there, That the Governors of such English Plantations shall, before the said ship or

vessell be permitted to load on board any of the said Commodities take Bond in manner and to the value aforesaid for each respective Ship or Vessel, that such ship or vessel shall carry all the aforesaid Goods that shall be loaden on board the said ship to some other of our English Plantations or to England, Ireland, Wales or Berwick, and that every ship or vessel which shall load or take on board any of the aforesaid Goods until such Bond be given to the said Governor, or Certificate produced from the Officers of any Custom House of England, Ireland, Wales or Berwick that such Bond hath been there duly given, shall be forfeited with her Guns, Tackle, apparel and Furniture, to be Employ'd and Recovered as therein is directed: You are to take notice that tho' by the said Act the word Ireland is to be incerted in the condition of the Bonds, and permission thereby given to bring the Enumerated Plantation Commodities to Ireland, as well as to England, Wales or Berwick, Yet, by the aforesaid Act for Regulating the Plantation Trade, (which having been expired was afterwards revived and is now in force) the word Ireland is to be left out of the Condition of such Bonds, and you are not to permit any ships or vessels to load any of the Enumerated Goods upon any Certificate of Bonds having been given in Ireland; But in that case before they load any of the said Goods, they are to produce certificates of Bonds given in England, Wales or Berwick under the hands and seals of the Customer and Comptroller of our Customs or their Deputies, in such Port from whence the respective Ships shall come, signed also by four or more of the Commissioners of our Customs in England, or to give Bond to your self or the person appointed to receive the same, with good security as aforesaid, and if any ship or vessell shall load or take on board any of the said Commodities until such Bond be given or Certificate produced, the said ship or vessel is forfeited with her gunns &c[a] to be recovered and divided in manner as is therein directed.

5[ly] You shall carefully examine all Certificates which shall be brought to you of Ships giving security in this Kingdom to bring their lading of Plantation Goods hither; as also certificates of having discharged their Lading of Plantation Goods in this Kingdom, pursuant to their securities, and where there shall be reasonable ground of suspicion that the Certificate of having given security in this Kingdom is false, in such case you or the person appointed under you shall require and take sufficient security for the discharge of the Plantation lading in this our Kingdom; and where there shall be cause to suspect that the certificate of having discharged the lading of Plantation Goods in this Kingdom is false and counterfiet, you shall not cancel or vacate the security given in the Plantations untill you shall be informed from the Commissioners of our Customs here, that the matter of the said Certificate is true, and if any person or persons shall counterfeit, Raze or falsify any such certificate for any vessell or Goods or shall knowingly or wittingly make use thereof, you shall prosecute such person for the forfeiture of the sum of five hundred pounds according to a Clause of the Aforesaid Act for preventing Frauds and regulating abuses in the Plantation Trade; and pursuant to the said Act you shall take care that in all such Bonds to be hereafter given or taken in the Plantations viz[t] in our Province of New York, the Sureties therein named be persons of known Residence and Ability there for the value mentioned in the said Bonds be within Eighteen Months after the date thereof (the danger of the Seas excepted) to produce Certificates of having landed and discharged the goods therein mentioned, in one of our Plantations, or in this our Kingdom, otherwise to attest the Copy of such Bonds under your hand and Seal, and to cause prosecution thereof.

6[ly] You are to understand that the Payment of the Rates and Duties imposed by the aforesaid Act for the Encouragement of the Eastland and Greenland Trades, and for the better

securing the Plantation Trade on the several Plantation Commodities therein enumerated, doth not give liberty to carry the said goods to any other place, than to some of our Plantations, or to England, Wales or Berwick only, and that notwithstanding the payment of the said Duties Bond must be given to carry the said goods to some of our said Plantations, or to England, Wales, or Berwick, and to no other place.

7^{thly} You shall every three months or Oftener, or otherwise, as there shall be opportunity of conveyance to this Kingdom, transmit to the Commissioners of Our Customs here, a List of all ships and vessells trading within our said Province according to the Form and Specimen hereunto annexed: And you shall cause demand to be made of every Master, at his clearing, of an Invoyce of the Contents and Quality of his lading &^{c}, according to the form hereunto also annexed: And to enclose a copy thereof, by some other ship, or want of such Opportunity, by the same ship under cover, sealed and directed to the said Commissioners of our Customs; and send another Copy thereof in like manner to the Collector thereof of that Port within this Kingdom for the time being, to which such ship shall pretend to be bound.

8^{thly} Whereas by the aforesaid Act for the Encouragement of Trade no commodities of the growth, production, or manufacture of Europe except Salt for the Fishery of New England and New foundland, Wines of the growth of the Maderas or Western Islands, or Azores, Servants and Horses from Scotland or Ireland and all Sorts of Victuals of the Growth and production of Scotland, and Ireland shall be imported into any of our said Colonies or Plantations, but what shall be bonà fide and without fraud laden and Shipped in England Wales or Berwick in ships duely qualified, you shall use your utmost endeavours for the due observance thereof; and if, contrary hereunto, any ship or Vessell shall import into our said Province of New York, any Commodities of the Growth, Production or Manufacture of Europe, (but what are before excepted) of which due proof shall not be made, that the same were shipped or laden in some port of this Kingdom by producing Cocquetts or Certificates under the hands and seals of the officers of our Customs in such Port or place where the same were laden, such ship or vessel and goods will be forfeited: And you are to give in charge that the same be seized and prosecuted accordingly.

9^{thly} And in order to prevent the acceptance of forged Cocquets or Certificates (which hath been practised to our great prejudice) you are to give effectual orders, that for all such European Goods as by the said Act are to be shipp'd and laden in England, Wales or Berwick, Cocquets for the same, from hence, be produced to the Collectors or other Officers of the Customs in Our said Province of New York for the time being, before the unlading thereof and you shall give order that no European Goods be landed but by warrant from the said Collector, in the presence of an Officer appointed by him, and for the better prevention of Frauds of this kind you shall take care that, according to the said Act of Trade, no ship or vessell be permitted to lade or unlade any goods or Commodities whatsoever untill the Master or Commander thereof shall first have made known to you or such officer or other person as shall be thereunto authorized and appointed, the arrival of the said ship or vessell with her name and the name and Surname of her Master, and hath shewn that she is a ship duely navigated and otherwise qualified according to Law, and hath delivered to you, or such person as aforesaid, a true and perfect Inventory of her Lading, together with the place or places in which the said Goods were laden and taken into the said Ship or Vessel, under forfeiture of such Ships and Goods.

10^{thly} You shall not make or allow of any By-laws, Usages or Customs in our said Province

of New York which are repugnant to the Laws herein mentioned or any of them so far as they do relate to our said Plantations or any of them, or to any other law hereafter to be made in this Kingdom, so far as such Law shall relate to and mention the said Plantations; by [but] you shall declare all such Laws, By-Laws, Usages, or Customs in our said Province of New York which are any wise repugnant to the forementioned Laws, or any of them, to be illegall, null and void to all intents and purposes whatsoever.

11^{thly} You shall be aiding and assisting to the Collector and other Officers appointed, or that shall hereafter be appointed by the Commissioners of Our Customs in this Kingdom, by and under the authority and direction of our High Treasurer of this Kingdom, or Commissioners of our Treasury for the time being, in putting in execution the several Acts of Parliament before mentioned and you shall cause due prosecution of all such persons as shall any ways hinder or resist any of the said Officers of our Customs in the performance of their Duty.

12^{thly} You shall take care that upon any Actions, suits or informations that shall be brought, commenced or entred in our said Province of New York, upon any Law or Statute concerning our duties, or ships, or goods, to be forfeited by reason of any unlawfull Importations or Exportations there be not any Jury but of such as are natives of this Kingdom or Ireland or are Born in any of our said Plantations.

13^{thly} If you shall discover that any persons or their assines claiming any right or property in any Island or Tract of Land upon the continent of America, by charter or by Letters Patents, shall at any time hereafter alien, sell or dispose of such Island, Tract of Land, or Propriety other than to our Natural born subjects of Great Britain, without lycense and consent of us, our Heirs and Successors, signifyed by our or their order in Councill first had and obtained you shall give notice thereof to us or to our High Treasurer of Great Britain or Commissioners of our Treasury for the time being.

14th You shall take care that all places of Trust in the Courts of Law, or in what relates to the Treasury of our foresaid Province of New York, be in the hands of our native born subjects of this Kingdom or Ireland, or the Plantations.

15^{ly} And that there may be no interruption or delay in matters of Prosecution and Execution of Justice in our said Province, by the death or removal of any of our officers employed therein untill we can be advised thereof and appoint others to succeed in their places, You shall make choice of persons of known loyalty, experience, diligence and fidelity to be employed for the purposes aforesaid untill you shall have our approbation of them or the Nomination of others from hence.

16^{thly} You shall from time to time correspond with the Commissioners of our Customs in this Kingdom for the time being, and advise them of all failures, neglects, frauds and misdemeanours of any of the Officers of our Customs in our said Province of New York, and shall also advise them as occasion shall offer, of all occurrencies necessary for their information relating either to the aforesaid Laws of Trade and Navigation or to our Revenue of Customs and other Duties under their management both in Great Britain and the Plantations.

17^{thly} Whereas by the aforesaid Act preventing Frauds and regulating abuses in the Plantation Trade, 'Tis provided for the more effectual prevention of Frauds which may be used to elude the Intention of the said Act, by colouring Foreign Ships under English Names, That from and after the Twenty Fifth of March 1698 no ship or vessell shall be deemed or pass as a Ship of the build of England, Ireland, Wales, Berwick, Guernsey, Jersey, or any of our Plantations in America, so as to be qualifyed to trade to, from, or in, any of our said

Plantations, until the Person or Persons claiming Property in such ship or Vessel, shall register the same in manner thereby directed; And whereas by an Act pass'd the 9th and 10th years of His late Majesty King William the third, entituled, An Act for the enlarging the time for registring of ships pursuant to the Act for preventing Frauds and Regulating abuses in the Plantation Trade, nine months longer time from the said 25th day of March 1698, are granted and allowed for the Registring of such ships, and it is provided that all such ships or vessells being Registred within the said Nine Months shall have and enjoy all such benefit and advantage of the aforesaid Act, as they might or could have had, in case they had been Registred before the said 25th day of March 1698; You shall take care that no foreign built ship be permitted to pass as a ship belonging to our Kingdom of England, Ireland, Wales or to the Town of Berwick upon Tweed, untill proof be made upon oath, of one or more of the owners of such ship or vessell, before the Collector and Comptroller of our Customs in such Port to which she belongs or upon like proof before yourself, with the principal officer of our Revenue residing in our foresaid Province of New York, if such ship shall belong to the said Province which Oath you and the Officers of our Customs respectively are authorized to administer in manner thereby directed, and being attested by you and them so administring the same, and Registred in due form, according to the Specimen hereunto annexed, You shall not fail immediately to transmit a Duplicate thereof to the Commissioners of our Customs in London, in order to be entered in a general Register to be there kept, for that purpose; with penalty upon every ship or vessel trading to, from, or in, any of our said Plantations in America, after the said Twenty Fifth day of March, and nine months longer as aforesaid and not having made proof of her build and property, as by the forementioned Act is directed, that she shall be lyable to such Prosecution and forfeiture as any foreign ship (except Prizes condemned in our High Court of Admiralty) would for Trading with our Plantations by the said Law be lyable unto, with this Proviso, That all such ships as have been or shall be taken at sea by Letters of Mart or Reprisal, and Condemnation thereof, made in our High court of Admiralty of this Kingdom as Lawfull Prize shall be specially Registred, mentioning the Capture and Condemnation instead of the time and place of building with proof also, upon Oath, that the entire Property is British, before any such prize be allowed the Priviledg of a British built Ship according to the meaning of the said Act, and that no Ships names Registred be afterwards changed without registring such Ship de Novo, which by the said Act is required to be done upon any transfer of property to another Port, and delivering up the former Certificate to be cancelled, under the same penalties and in like method; and in case of any alteration of Property in the said Port by the sale of one or more shares in any ship after Registring thereof, such sale shall always be acknowledged by Endorsement on the Certificate of the Register before two witnesses, in order to prove that the entire property in such ship, remains to some of our subjects of this Kingdom if any dispute shall arise concerning the same.

18thly Whereas by an act passed in the 10th year of His late Majesty King William the third To prevent the exportation of Wool out of the Kingdoms of Ireland and England into foreign parts and for the Encouragement of Woollen Manufactures in the Kingdom of England, it is amongst other things thereby enacted, that from and after the first day of December 1699 no Wool, Woolfells, Shortlings, Morlings, Wool Flocks, Worsted, Bay or Woollen Yarn, Cloath, Serge, Bays, Kerseys, Says, Frizes, Druggets, Cloath Serges, Shalloons or any other Drapery, Stuffs or Woollen Manufactures whatsoever, made or mixed with Wool, or Wool Flocks being of the Product or Manufacture of any of the English Plantations in America, shall be laden or

laid on board in any ship or Vessell in any place or ports within any of the said English Plantations, upon any Pretence, whatsoever; As also, That no such wool, or other of the said Commodities being of the Product or Manufacture of any of the said English Plantations shall be loaden upon any Hors, Cart or other Carriage, to the Intent and purpose to be Exported, transported, Carried or Conveyed out of the said English Plantations to any other of our Plantations or to any other place whatsoever upon the same and like pains, Penalties and forfeitures to and upon all the Offender and Offenders therein; within all and every of our said English Plantations respectively as are provided and prescribed by the said Act, for the said Offences committed within our Kingdom of Ireland, you are to take effectual care that the true intent and meaning thereof as far forth asit relates to you be duely put in execution.

19^{thly} Whereas an Act of Parliament was pass'd in the 3^{d} and 4th years of our Reign, entituled an act to permit the Exportation of Irish Cloath to the Plantations and to prohibit the Importation of Scotch Linnen into Ireland, with several Clauses and Provisoes for the due Execution of the said act (a copy whereof will be herewith delivered to you) you are therefore to take care that the said Act with all its clauses and Provisoes be duely observed and complyed with in that our Province under your Govern^{t}

20^{thly} In an Act of Parliament made in the 10th and 11th years of His late Majesty's Reign, entituled an Act for laying further duties upon Sweets and for lessening the Duties as well upon Vinegar as upon certain low wines and whale Finns, and the Duties upon Brandy Imported &c^{a} There is a Clause (Copy whereof you shall herewith receive) to prevent Frauds in the Importation of Bulk Tobacco, Enacting that from and after the 29th day of September 1700, no Tobacco shall be brought or imported into this Kingdom of England, Dominion of Wales, or Town of Berwick upon Tweed, in any Ship or Vessel from any of the Plantations on the Continent of America, nor shipped in any of the said Plantations, in order to be so imported, otherwise than in cask, chest or case only, each cask, chest or case whereof shall contain 200 weight of Tobacco at the least and each hundred thereof shall contain 112^{l} under the Penalties and Forfeitures of all the Tobacco so imported or shipped to be imported, contrary to the said Act, shall be forfeited, and every person or persons offending contrary to the true intent and meaning thereof, shall forfeit sixpence for every pound weight thereof $\frac{2}{3}^{ds}$ thereof to us our Heirs and Successors, the other third part thereof to such Persons as shall seize and sue for the same, it being Provided That such small Quantities as shall be necessary for the Ship's Company's smoaking in the Voyage shall not be deemed or construed any breach of the said Act: You shall take care that this Part of the said Act be made Publick, that none may pretend Ignorance, and that the true intent and Meaning thereof be duely put in execution, within Your Government.

21st An Act of Parliament having been pass'd in the 3^{d} and 4th years of our Reign entituled an Act for granting to Her Majesty a further subsidy on Wines, and Merchandize imported, wherein among others there is a clause in the words following viz^{t} "And Whereas by the Acts "made in the 12th and 25th years of the reign of his late Majesty King Charles the 2^{d}, the "former entituled An Act for the encouraging and encreasing of Shipping and Navigation, and "the latter Entituled An Act for the Encouragement of the Greenland and Eastland Trade "and for the better securing the Plantation Trade, certain Commodities therein enumerated of "the growth, production or manufacture of any of the English Plantations in America, Asia "or Africa, are obliged to be imported into this Kingdom of England, Dominion of Wales, or "Town of Berwick upon Tweed, or to some other of the said Plantations under the Securities

" and Penaltys in the said Acts particularly mentioned, to the end this Kingdom might be " made a Staple, not only of the Commodities of those Plantations, but also of the Comodities " of other Countries for supplying them since the making of which Laws several Commodities " which are not in the said Acts particularly enumerated, such as Rice and Molasses are " produced, and made in the said Plantations, and Carried to divers Foreign Markets in Europe " without being first brought into this Kingdom, Dominion of Wales and Town of Berwick " upon Tweed, contrary to the true intent and meaning of the aforesaid Laws to the great " prejudice of the trade of this Kingdom, and the lessening the Correspondence and Relation " between this Kingdom & the aforesaid Plantations, for the prevention whereof for the future " Be it enacted by the authority aforesaid, That from and after the 29th of September 1705, all " Rice and Molasses shall be under the like securities and Penalties restrained to be imported " into this Kingdom, dominion of Wales, and Town of Berwick aforesaid, as by the fore recited " Acts or either of them is provided for the goods therein particularly enumerated;" You are therefore to take particular care and give the necessary Directions that the true intent and meaning of the said Clause be strictly and duly complyed with.

22nd And whereas you will herewith receive copies of the following Acts of Parliament vizt An Act for Encouraging the Importation of Naval Stores from Her Majesty's Plantations in America, pass'd in the 3d and 4th years of our Reign ; An act for an union of the two Kingdoms of Scotland, pass'd in the 5th year of our Reign, in which are certain Articles relating to the Plantation Trade, more particularly the 4th 5th and 6th ; An act for ascertaining the Rates of Foreign Coins in Her Majesty's Plantations in America, pass'd in the 6th year of our Reign, and an act for the Encouragement of the Trade to America pass'd in the 1st year of our Reign ; You are therefore to use Your best endeavours, that the said Acts with all the Clauses, matters and things therein contained be in like manner strictly and duly observed according to the true Intent and meaning thereof.

23d And whereas notwithstanding the many good Laws made from time to time for preventing of Frauds in the Plantation Trade, which have been enumerated in these and former Instructions, it is manifest, that very great abuses have been and continue still to be practised to the prejudice of the same ; which abuses must needs arise, either from the Insolvency of the Persons who are accepted for security or from the remisness or Connivance of such as have been or are Governors in the several Plantations, who ought to take care that those persons who give Bond, should be duely prosecuted in case of non performance ; You are to take notice that we take the good of our Plantations, and the Improvement of the Trade thereof by a strict and punctual observance of the several Laws in force concerning the same, to be of so great importance to the Benefit of this Kingdom, and to the advancing the Duty of our Customs here, that if we shall be hereafter informed that at any time there shall be any failure in the due observance of those Laws and of these present Instructions, by any Wilfull Fault or Neglect, on your part, we shall look upon it as a Breach of the Trust reposed in you by us, which we will punish with the Loss of Your place in that government, and such further marks of our displeasure, as Wee shall judge reasonable to be inflicted upon you for your offence, against us in a matter of this Consequence, that We now so particularly charge you with.

Additional Instruction To Our Trusty and Welbeloved Robert Hunter Esqr

Whereas by the 3d Article of our foregoing Instructions to you, according to the several Laws relating to the Trade and Navigation of this Our Kingdom and our Colonies and

Plantations in America, You are required to take care and give in charge, that no Goods or Commodities whatsoever be imported into or Exported out of our Province of New York under Your Government, in any ships or vessels but in such whereof the Master and three fourths of the Mariners at least are English; and whereas by a clause in an Act passed in the Third year of our reign Entituled An Act for Raising Recruits for the land forces and marines and for dispensing with part of the Act for the Encouragement and Encrease of Shiping and Navigation during the present War (copy whereof you shall herewith receive) it is enacted, that during the present War, and no longer, the number and proportion of mariners to sail in such ships or Vessels which by Laws now in force are limited to the Master and three-fourths of the Mariners to be English, shall be enlarged to the Master and one Moiety of the Mariners at least to be English; It is Our will and Pleasure, that you take care and give in charge to the Proper Officers, that the said Act be observed in our said Province of New York under your Government, during this Present War accordingly.

Copy of a Clause of an Act passed in the 3^{d} year of Her Majesty's Reign, entituled An Act for raising Recruits for the Land Forces and Marines, and for dispensing with part of the Act for the Encouragement and Encrease of shipping and Navigation during the Present War.

And Whereas by the Laws now in force the Navigating of Ships or Vessells in divers cases is required to be by the Master and $\frac{3}{4}$ parts of the Mariners at least being English, under divers penalties & forfeitures therein contained: And whereas great numbers of Seamen are employed in Her Majesty's Service for the manning of the Royal Navy, so that it is become necessary, during the present war, to dispence with the said Laws, and to allow a greater number of foreign mariners for the carrying on of trade and commerce, Be it therefore Enacted by the Authority aforesaid that during the present War, and no longer, the number and proportion of mariners to sail in such Ships or Vessels, which by any law now in force are limited to the Master and $\frac{3}{4}$ of the Mariners to be English shall be enlarg'd to the Master and one Moiety of the Mariners at least to be English, and that it shall and may be lawfull to and for the Owner or Owners of any such ship or Vessell to navigate the same with such mariners whereof the Master and one Moiety of the Mariners at least shall be English, without incurring any penalty or forfeiture for so doing, and without subjecting the Goods or Merchandizes, laden on such ship or Vessel, to any other customs, duties or payments than should have been paid for the same in case the same Ships or vessels had been navigated by a Master and $\frac{3}{4}^{\text{ths}}$ of the Mariners being English, any former Law or Statute to the Contrary thereof in any wise not withstanding.

Copy of a Clause of an Act of Parliament referred to in the 20th Article of the foregoing Instructions.

And whereas the Importation of Tobacco in Bulk hath given abundant oppertunity to ill disposed Persons to run the same on shoar without paying His Majesty's Customs due thereon, to the great impairing of the Revenue and the no less prejudice of the fair trader, for Remedy whereof Be it enacted by the authority aforesaid, That from and after the 29th day of September which shall be in the year of our Lord 1700, no Tobacco be brought or imported

into this Kingdom of England, Dominion of Wales, or Town of Berwick upon Tweed in any ship or Vessel from any of His Majesty's Plantations on the Continent of America, nor shipped in any of the said Plantations in order to be so imported, otherwise than in Cask, Chest, or Case, only each Cask, Chest or Case whereof shall contain 200 W^{t} of neat Tobacco at y^{e} least & each 100 thereof shall contain 112^{l} under the Penalties and Forfeitures following, That is to say that all the Tobacco so imported or shipped to be imported, contrary to this Act, shall be forfeited, and every Person or Persons offending, contrary to the true intent and meaning hereof shall forfeit sixpence for every pound weight thereof, $\frac{1}{3}^{d}$ parts thereof to His Majesty, His Heirs and Successors, and the other third part thereof to such person as shall seize or sue for the same, PROVIDED nevertheless, that such small Quantities as shall be necessary for the Ship's Company's smoaking in the said Voyage shall not be deemed or construed any Breach of this Act. The said forfeitures and Penalties to be recovered by action of Debt, Bill, Plaint or Information in any of his Majesty's Courts of Record at Westminister, in which no Essoign, Protection or Wager of Law shall be allowed nor more than one Imparlance.

NEW YORK. { *A List of all Ships and Vessels that have entered and cleared at in Her Majesty's Province of New York from the day of to the day of*

Ships and Vessels names	Of what Place	Of what Built & Quality	Tuns	Guns	From what Place	Mariner's Names	Bond given in the Plantations	When Entred	Certificate of Bond given in Great Britain and Port and Date.	When cleared	Their Lading	Whither Bound
Katherine	London	English Built	40	.....	London....	Jno Scott	1000l	Aug 31th 94	London Novbr 94	June 8th 95	N. B. [illegible]	Yarmouth.
Judith & Eliza	Hull	Foreign Made Free Built	25	.....	Ditto.....	Rd Bramble....	1000	Feb 25th 94 5	.....	June 14th 95	[illegible]	Weymouth.
Maryld Mercht	Bristol	Foreign made Free By Boat	250	4	Bristol	Tho. Rd Burges	2000	Apl 2d 96	Bristol March 11th 97	June 10th 97	[illegible]	London.

NEW YORK PORT. { *An Invoyce of on Board the Ship Swan of Bristol, Thomas Grant, Master, bound to the Port of Bristol. —*

Marks	Number	Contents	Quantity	Freighter's Names	To whom Consigned.
A B R † P	From 1 to 30 From 7 to 20	700 450	30 13	John Payne Tho: Grant	Richard Smart On his own account
E O S	From 1 to 70	500	one wth another 70	Jno Short.	On the Ship's account.

March 15th 169$\frac{6}{7}$ THO: GRANT Master.

NAME OF PLANTATION OR PORT. *A Form of Entry according to which a List of all Ships Trading to and from any of Her Majesty's Plantations in America, being Registred pursuant to the Directions of the late Act of Parliament is to be transmitted to the Commissioners of Her Majesty's Customs in the Port of London.*

ENTRING INWARDS AT THE PLANTATIONS.

Time of importation.	Ship's name of what place.	Masters Names	Kind of Built	Burthen	Where and when built	Where & when registred	Owner's names	General Cargo NB: Each particular Comodity must have a distinct separate column & each column must be added up at the bottom.	From whence.	When and where Bond given

CLEARING OUTWARDS FROM THE PLANTATIONS.

Time of Clearing.	Ships names of what place	Masters Names	Kind of Built	Burthen	When and where built	When and where registred	Owner's names	Quantity of Planta Cargo. NB. Each particular Comodity must have a distinct separate column & each column be added up at the bottom.	Whither bound.	When and where Bond given.

In the Register of Prize Ships the Capture and Condemnation must be also specially mentioned instead of the time and place of building.

List of all ships Trading to, or from, the Plantations, or from one Plantation to another to be prepared Quarterly by the Collectors of the Customs, and the Naval officers in the Respective Plantations in order to be transmitted to the Comissioners of Her Majesty's Customs by the first opportunity of shipping every Quarter.

The Lords of Trade to Governor Hunter.

[New-York Entries, H., 126.]

To Collonel Hunter

S^r^

Besides what is contained in Her Maj^ts^ Instructions to you there are several other particulars relating to Your Governments of New York and New Jersey which we think Ourselves obliged to take notice of to you.

The late Lord Cornbury now Earl of Clarendon having had some doubts in relation to Fines, forfeitures & Escheats and to the appointing of a Ranger of the Woods, we consulted Her Majesty's then Attorney Generall thereupon, and inclose a Copy of his Report, for your better Information and guidance in those matters.

Having received from the said Earl of Clarendon several Acts past in New Jersey in November 1704 we considered the same, and transmitted to his Lordship our observations thereupon that he might lay those Observations before the Assembly for their consideration and Amendment of the said Acts, before we presented them to Her Ma^{ty} for Her confirmation. But not having received any answer from His Lordship we think it necessary to repeat our forementioned Observations to you, that upon your arrival in New Jersey you may consult the Assembly and give us further light in that matter.

The Act for the settling the Militia in the last Proviso but one enacts that the sums of money thereby to be levyed, are to be paid into the hands of the Receiver General or Secretary or such other person as the Governor under his hand shall appoint, and the Mony to be applyed also to such Publick Uses as the Governor shall direct; Whereas the publick mony ought only to be laid into the hands of the Receiver General, and the uses to which it ought to be applied for the support of the Government shou'd be expressed in the Act and not left at large as it is in this.

Tho' the design of the Act for uniting and quieting the minds of all Her Majesty's subjects in New Jersey be very good, Yet there are some clauses in the Act, which render it unfit for Her Majesty's Royal Confirmation, viz^{t} That it pardons (amongst other Crimes) all High Treasons, Murders, and Piracy committed before the 13th of August 1702, Whereas Her Majesty by her Instructions to you has reserved to her self the pardoning of those Crimes; which crimes are always excepted in Acts of general pardon here, and therefore we desire you to endeavour to get this amended in another Act to be passed for the like purpose.

We have no other objection to the Act for Altering the present constitution and Regulating the election of Representatives &c^{a}, but that it does not assertain the quantity of Acres necessary to qualify Persons to elect or be elected Representatives in the general Assembly, you will see by Her Majesty's Instructions what is intended upon that matter, viz^{t} That 1000 acres of Land, or £500 personal Estate should qualify Persons to be Elected, and that 100 acres of Land and £50 personal Estate shou'd qualify to be Electors, But if you find this Regulation too high, you may endeavour to get a new Act passed for proportioning that matter otherwise. In the mean time this Act will remain in force, without being confirmed by Her Majesty, and you will make a Suitable use of Your Instructions in that behalf.

A Complaint having been made by the Proprietors of the Western Division that the Lord Cornbury now Earl of Clarendon had caused their late Secretary to deliver all Publick Books, Papers and Records to Mr Bass Secretary of the Province, and that their Records and Deeds have been carried out of the Province, which may be of great Prejudice to the said Proprietors we are of Opinion (and accordingly signified the same to His Lordship) That all Books and Papers, Deeds and Evidences relating to the Property of the soil be left and do remain in the hands of the Agents for the Proprietors; And therefore if this be not remedied you will do well to give Directions therein.

The said Earl of Clarendon having informed us that an Opinion had lately been started in his Governments viz^{t} That if he send any orders to New Jersey, relating to the Affairs of that Province, whilst he is resident at New York, they are of no force, and so the same of his sending Orders from New Jersey to New York; We think it necessary to acquaint you that it is a very groundless and unreasonable Opinion, the contrary being practised every Day here, by the Lords Lieutenants of Counties and particularly by the Lords Lieutenants of Ireland, who frequently send orders into Ireland, whilst they are Resident in this Kingdom.

Having had occasion to consult S^r^ Edward Northey, Her Majesty's late Attorney General, in relation to Probate of Wills at New York, We enclose to you a copy of his Opinion,[1] which may be a guide to you in all future occasions.

Not having received from New York or New Jersey any Minutes of Council or Assembly, nor any Naval Officer's Lists of Ships Entred and cleared, nor accounts of the Revenue since the now Earl of Clarendon's first entring upon that Government, We must desire you upon your arrival there to give the necessary Directions that the said Minutes, Accounts &c^c^ during his Lordships time be transcribed and sent us by the first Opportunity; And that you do transmit to us Quarterly Transcripts of all such Minutes &c^a^ as shall be made from time to time, according to your Instructions, that we may be the better enabled to lay before Her Majesty a true state of Matters as they shall occur.

The said Earl of Clarendon having transmitted to us a Remonstrance from the Assembly of New Jersey to him, with his Answer thereunto, (a copy whereof is here inclosed) we have considered the same and have made the following Observations thereupon, which we think necessary to communicate to you.

The first Article.

It appears evidently by His Lordship's Commission that he has no power to pardon Treason and Wilfull Murder; But in such Cases he was allowed to grant Repreives to the Offenders untill and to the Intent Her Majesty's Royall pleasure may be known therein, In order whereunto he was with all Convenient Speed to transmitt to Her Majesty a full state of the matter of fact relating to such Offenders, which we do not find that he has done. Upon this Occasion we must take notice to you that the want of Prisons in New Jersey is a matter proper to be laid before the General Assembly: You will therefore represent to them the Necessity of having such Prisons built that they may grant a sufficient Fund to be appropriated to that service.

The second Article.

As to the Complaint of Paying the Fees of Court tho' the Bill of Indictment be not found by the Grand Jury, We are of opinion that the Person accused not being properly in Court till arraigned before the Petty Jury, no Fees till then can be demanded.

The third Article.

Tis true that the Probate of Wills and granting of Letters of Administration is by Her Majesty entrusted with the Governor, yet we do not see that the settling such an Office in each Division in New Jersey, as Proposed by the Remonstrance for the Ease of Her Majesty's subjects there, will be a lessning of the Rights of the Prerogative or of the Governour.

The *fifth* Article.

We are Opinion notwithstanding His Lordship's Answer to the Remonstrance that such a Patent for the sole carting of Goods as is therein mentioned is a Monopoly within the 21^st^ King Jac. 1^st^ cap 3^d^

We are also of Opinion that no Fee is lawful, unless it be warranted by Prescription, or

[1] See ante, p. 2. — Ed.

Erected by the Legislature, as was adjudged in Parliament the 13th of K. Hen: 4th in the case of the office then Erected, for measuringe of Cloths and Canvas (vide Coke's 2d Instit. fol. 533, 534.)

We do not think His Lordship's answer to this Article is plainly expressed for it does not appear whether the Person who has the Custody of the Records has given sufficient Security for that Trust.

Her Majesty having been pleased by her order in Council of the 24th October last (a Copy whereof is here inclosed, the Original having already been sent to the President and Council) to signify her disallowance and disapprobation of an Act passed in the Province of New Jersey in December 1704 Entituled, 'An Act for Regulating Negro Indians and Mulato Slaves within this Province of New Jersey;' by reason the Punishment to be inflicted on Negroes &c[a] is such as never was allowéd by or known in the Laws of this Kingdom, You are to cause the said Order to be published and Entred in the Council Books of that Province, if not already done as usual.

Her Majesty having been likewise pleased by another order in Council of the 15th of December 1709 to repeal two Acts passed in New York, the 6th of October 1708 and the 24th of May 1709, relating to Fees and irregular Extortions, We herewith inclose the same, which you are also to cause to be published and entred in the Council Books of New York. So We bid you heartily farewell.

Your very loving Friends,

	Stamford	J. Pulteny
Whitehall	Dartmouth	R. Monckton
Decembr the 23. 1709.	Ph. Meadows	Ch. Turner.

P. S. And we having been informed that several seamen who had deserted Her Majesty's service, from on board Her Majesty's Ship the Loestoof and Triton's Prize, have since such their Desertion been Imployed by Peartree and the Mayor of New York, in breach of the Act for the encouragement of the Trade to America, and to the prejudice of Her Majesty's service, you are therefore upon your arrival in that Province to inquire into that matter; And in case it shall appear to you that those Persons or either of them have been guilty of such breach of the said Law, you are to cause them or the Person so appearing to have broke the said Act, to be prosecuted for such Offence, in such manner as by the said act is directed.

Stamford.
J. Pulteney
Rt Monckton
Ch. Turner.

Mr. Popple to Governor Hunter.

[New-York Entries, H. 137.]

1709. 27th Decr

Sr

Having received since the Delivery of the letter to you from the Lords Commissionrs of Trade and Plantations, together with other Papers referred to therein, an order of Council of the 15th Instant, Repealing as well the Acts about Fees and Extortions as an Act past at New York, the 16th of October 1708, Entituled 'An Act to enable the Mayor, Aldermen and Cómonalty of the City of New York, to raise the sum of six hundred Pounds in Two Years, for the uses therein mentioned' I thought it proper to send you the same here inclosed, with the Reasons for the Repeal of the said Act (the reasons for the Repeal of the other two being among the forementioned Papers) which Order you will perceive by their Lordship's foresaid Letter, is to be published at New York, and Entred in the Council Books there, as usual. I am to desire you will return me the Order of Council touching the Acts about Fees and Extortions put up with the aforesaid Papers that I may give back the same to the Council Office.

I am, Sr, Your most humble Servant

Wm P.

Earl of Sunderland to the Lords of Trade.

[New-York Entries, H. 141.]

To the Rt Honble the Lords Commissioners for Trade & Plantations.

My Lords and Gentlemen

I have laid before the Queen Your report of the 5th of the last month relating to the 3000 Palatines that are to be sent to New York to be there employed in the Production of Naval Stores which Her Majesty is pleased to approve and has commanded me to write to Colonel Hunter Governor of that Province to act conformably thereto, So far as it may concern him which I have done accordingly & acquaint you therewith for your Information.

I am,

My Lords & Gentlemen

Your most humble Servant

Whitehall
Jany the 7th 1710

SUNDERLAND.

Lords of Trade to Governor Hunter.

[New-York Papers, H. 150.]

To Colonel Hunter.

Sr

Having received Information that a clandestine and Illegal Trade hath and still continues to be carryed on by several Persons in the Province of New York under Your Government to Curacoa and St Thomas, by which means the French Islands and their Privateers are furnished with Goods and Provisions to the great prejudice of Her Majesty's subjects, We send you here enclosed an Extract of such Information that you may make strict enquiry into the truth of the several matters of Fact alledged therein, and, if you find sufficient ground, that you cause such Persons as have been concerned in such Illegal Trade to be prosecuted according to Law. By the said Extract You will see how a Trade is carryed on with Martinico by means of their Flags of Truce, We think it therefore necessary that you take all possible care, when any Flaggs of Truce shall arrive at New York they be not permitted to trade during their stay there, or allowed to go on shore to examine the strength and condition of Your Government; And you are to give us an Account from time to time of your Proceedings herein. So we bid you heartily farewell.

Your very loving Friends

STAMFORD
PH: MEADOWS
Jo PULTENEY
ROBt MONCKTON.

Whitehal
Janry the 19th $170\frac{9}{10}$

MEMORAND

This was Subjoyned to the Extracts of Three Memorials relating to Illegal Trade &ca carryed on between Curaçoa, St Thomas and the British Plantations in America.

In April 1707 an English Privateer belonging New York, Paul Miller Commandr lay in the Harbour and demanded Liberty to go out, and went to the Governor of Curacoa and shewed his Commission, but the Governor wou'd not let the said Miller goe out. The next tho' Sunday a sloop of Phillip Senyors was fitted out to goe and take out her loading of goods out of them at Bonyra, but there being so much noise in the Town that the Governor should let them go out again, that the Frenchmen were afraid to stay; I was in the sloop that was sent out after them and stay'd at Bonyra 8 days for them, but they were gone to St Thomas's.

In the beginning of May 16 or 18 Sail of the best Sloops at Curacao lay by for want of bread and flower, and the people of the town had hardly bread to eat and had not several sloops from New York arrived soon after, there would certainly have been a famine in the Island.

In the beginning of March $170\frac{6}{7}$ I saw a sloop that belonged to New York, one Peter Rowland Master, receive of one Moses Mears a Jew at Curacoa a sham Bill of Sale for the sloop, as if he had sold here to Rowland, in the name of himself and one John Everit an Inhabitant of Curaçoa, this Rowland was to swear, when he arrived at New York that the sloop was his own, and that no foreigner directly nor indirectly, had any part, share or interest in it, and at the same time the Jew gave Rowland sailing Orders to go for New York, and there

to take in his loading of Provisions and then make the best of his way to Curaçoa signed in his own name, and for John Everit, this sloop had been at Curaçoa and had carried down to the North side of Jamaica a great quantity of Dutch Goods and from thence came up to S^{t} Thomas's and when Rowland went for New York, carried with him several New York factors, that had lived there to sell bread, flower and beer, one of them named Robinson said, when I come to New York I shall be examined by the Governor whether we sell our Provision to the French or the Danes, and said that if the Governor should know that the French bought up all their Provisions he would soon put a stop to them, this sloop was to touch at Bermudas and deliver a great quantity of linnen and other dry goods, and the rest of her loading was cotton and Molosses for New York which ought not to be carried from a Danes Island.

In May 1704 Cap^{t} Dilly came to Curaçoa from New York loaden with bread and flower and delivered his cargo & bought dry goods and went to Jamaica.

In the latter end of October 1707 one Captain Bollens of New York went from Curaçoa to New Haven with dry Dutch Goods, near the sound of New York, the most convenient place to run goods.

Lords of Trade to the Earl of Sunderland.

[New-York Entries, H. 155.]

Jan^{y} 20th 170$\frac{9}{10}$

To the Right Hon^{ble} the Earl of Sunderland.

My Lord.

Colonel Hunter having desired that he might have an Instruction from Her Majesty for settling the Palatines at New York, as is proposed by our Representation of the 5th December last, We have prepared the Draught of such an Instruction for Her Majesty's Royal Signature, and transmit the same here inclosed to your Lordship and are, My Lord, Your Lordship's

Most humble Servants

STAMFORD
PH: MEADOWS
J^{o} PULTENEY
R^{t} MONCKTON.

Additional Instruction to Our Trusty and wel beloved Robert Hunter Esq^{r} Our Captain General and Governor in Cheif of our Province of New York in America, Or to the Cômander in Chief of our said Province for the time being. Given at Our Court at S^{t} James's the 26th January 170$\frac{9}{10}$ in the Eight year of Our Reign.

WHEREAS Our Commissioners of Trade and Plantations have by their Representation of the 5th of December last laid before us a Scheme for the Settling about Three Thousand Palatines at New York, and for Imploying them in the Production of Naval Stores in that

Province, And Whereas being willing to promote so good and advantageous an undertaking We have thought fit to approve the said Scheme as set forth in the said Representation a copy whereof is hereunto annexed, It is our will and pleasure that you take care upon your arrival at New York that the said scheme be duly put in Execution, and particularly such parts thereof wherein you as our Governor and Commander in Cheif of that Province are more immediately concerned.

Colonel Quary to the Lords of Trade.

[New-York Entries, II. 168.]

To the Right Honourable the Lords Commissioners for Trade and Plantations.

Right Hon^{ble}

Inclosed is the copy of what I took the Freedom to write to your Honours lately by way of Lisbone, since which I have but little to add; inclosed is the copy of the Act past in Maryland, which I mentioned in my former; Colonel Ingoldesby hath held a long Session of Assembly, I could not be there. There was an Act past in My Lord Lovelace's time for raising 1700^{li} at 8^{s} p^{r} ounce eight hundred pounds of which sûme was given to his Lordship, but, on the death of my Lord, the Act was defective; This Assembly have appointed the use of it and have given Colonel Ingoldesby allmost all that was designed for his Lordship besides the 200^{li} which was given to himself. I have not had time to inform myself of what other Acts they have past, but by the next your Honours shall have them, I beleive your Honourable Board will see the necessity of restraining all these Governments from passing any Acts in the absence of Her Majesty's Governo^{r} else those opportunitys will be improved to the Queen's prejudice, which is most humbly submitted. There are a vast number of Grants past in New York Government so that the next Governor will have nothing to doe of that Nature. I will not presume further on your Honour's time but begg leave to subscribe, Right Hon^{ble}

Your Hon^{rs} most obedient Servant

February the 10th 170$\frac{9}{10}$

Rob^{t} Quary

Memorial of John Rayner, Esq., to Lord Godolphin.

[New-York Entries, II. 160.]

To the R^{t} Hon^{ble} Sidney Earl of Godolphin Lord High Treasurer of Great Britain.

The Memorial of John Rayner Esq^{r} Her Majesty's Attorney and Advocate General of the Province of New York.

Humbly Sheweth

That the said Province was (after its Surrender by the Dutch) granted in 1664 to the then Duke of York and his Heirs and reunited to the Crown by his accession to it.

That by Grants under the Duke and the several Governors, the far greatest part of that large continent, being about 300 miles in length, is granted away, and in great quantities to particular persons in Fee, and not 100£ communibus annis received in Quit Rents, by reason of the small Reservations made, and the not enrolling, or the enrolments being lost, of many Patents, Whereas if reasonable Rents had been reserved, they would probably now have supported the Government, for which there is no standing Revenue.

That in most of the Patents there are Conditions of Improvements to be made in three or some other number of years, many of which have not been performed.

That the Grants have been most of them made without any Report from the Surveyor of the quantity, quality or Value of the Lands many of them not agreable to the Governors Instructions, and in several particulars illegal, and by Information there are several concealed Lands, no General Survey having been yet made.

That the said M^{r} Rayner is sensible he could do considerable service to the Crown in asserting Her Majesty's title to her Lands and Rents, was there where withal Imprested for defraying the Charges of such Proceedings and Survey.

That by Virtue of his Office of Attorney he is obliged to take care of all matters as well Criminal as Reventionall, and has since he hath had the honor of being imployed by Her Majesty, done his duty therein at his own expence without any further or other allowance than a bare salary of 150^{li} p^{r} annum here.

That he did depend upon a salary of £100. p^{r} annum usually paid there to the Attorney and £100. p^{r} annum more as Advocate by an Establishment made for the Admiralty Officers upon an accidental Revenue belonging to Her Majesty, arising by certain Acts of Parliament against unlawfull Trade (which is incumbent upon him to prosecute) for the first of which there is no Provision, And the last the Receiver is not willing to pay withont an order from hence.

That he hopes your Lordship will think it reasonable which he humbly desires, That he may have your Lordship's Order to be paid the arrears of his Salary there, out of the arrears of Quit Rents which will be got by his means and care, and substantiated for the future, and that he may be paid his growing Salarys out of the said Rents and accidental Revenue, according to the said Establishment (both the said Revenues being under your Lordship's direction) if no other Provision be made for the same.

That there being a great number of the Palatines now to be settled in that Province, the chief care and trouble of it, under the Governor, will belong to his Office as Attorney to find out lands for them, to advise how to be granted and to draw their Patents, and that the greatest and almost only Profit of his said office has arisen by the disposition of the Lands, and as he did in the best manner he could, manifest his good offices to those already sent, So he shall be ready to do the best he can upon this Occasion, But he understands there is a direction here that the Patents shall be made to them gratis which will be a considerable charge and expence to him besides the great loss in the chief and almost only profitable perquisite of his Office. He therefore humbly desires that he may be considered therein, and in the premises in such manner as your Lordship shall think fit and reasonable.

Feb^{y} 16th 1710

Secretary Popple to Mr. Lowndes.

[New-York Entries, II. 164.]

To William Lowndes Esq^{r}.

S^{r}.

In pursuance of My Lord Treasurer's desire signifyed by your letter of the 2^{d} Instant the Lords Commissioners of Trade & Plantations have considered the Memorial of M^{r} Rayner, Her Majesty's Attorney & Advocate General of New York, and have thereupon commanded me to signify to you as follows.

"That he sets forth that there being several grants of land made in that Province without "any Report from the Surveyor of the Quantity, Quality or Value thereof and which have "not been improved according to the conditions of the said Grants, he beleives if there were "mony imprested to him for defraying the charge he could do considerable service to the "Crown."

As to this, tho' the Grants may have been irregularly obtained and the conditions not complyed with, yet their Lordships can not think it will be for Her Majesty's Service that those Patentees should be molested in their Possessions by such Prosecutions as M^{r} Rayner proposes in regard it may discourage the seating and cultivating of Land there. However if he shall at any time be imployed by the Governor and Council there in performing any service of that kind in such case their Lordships think he ought to receive a suitable reward.

He further sets forth "that besides a Salary of £150 p^{r} annum payable here, he depended "upon a Salary of £100 p^{r} annum as Attorney payable out of the revenue of that Province, "which he says is precarious and uncertain, the Assembly having reserved to themselves a "power of applying that Revenue to such purposes as they shall think best, and £100 p^{r} "annum more as Advocate by an establishment which he alledges to have been made for the "Admiralty Officers upon an accidental Revenue, arising from the forfeitures or Penalties of "Acts past here against Illegal Trade, which last mentioned Salary the Receiver there is "unwilling to pay him without my Lord High Treasurer's Directions, & therefore he prays "that his arrears may be paid out of the Quit Rents that will be recovered by his means, and "his growing Salarys out of the Quit Rents and accedental Revenue."

Upon this article their Lordships observe that he will be paid his Salary of Attorney General in the like manner as the Governor and other officers are out of the Revenue there.

As to his salary of Advocate if my Lord Treasurer think fit it be paid out of the fore mentioned accidental Revenue arising from Forfeitures for Illegal Trade their Lordships have no objection thereunto.

Lastly he prays that in Regard "the Grants to the Palatines are to be made without "fees, and that the care and trouble of finding out Lands for them, of advising how the "Grants are to be made, and of drawing their Patents will lye upon him as Attorney General "he may have a consideration for that service."

Upon this their Lordships further observe that the Grants are not to be made till the said Palatines by their labour and Industry in the Production of Naval Stores shall have repaid what Her Majesty shall have disbursed for them; That the finding out Lands for them belongs to the Surveyor of that Province; and that the Governor has instructions directing him how

and in what manner the said Lands shall be granted; and as for a consideration for the Drawing the Patents their Lordships have no objection why he may not be allowed the same out of the Revenue there, when those Patents shall be drawn.

Whitehall
Feb: 24th 170 9/10

I am, Sr Your most humble Servant
Wm Popple.

Lieutenant Governor Ingoldesby to the Lords of Trade.

[New-York Entries, H. 186.]

To the Right Honble the Lords Comissnrs for Trade & Plantations.

My Lords

Since the last I had the honor to write to your Lordships of the 5th of July by her Majests ship the Lowestaf, the Assembly of this Province met and sat from the 15th of August to the 12th of November last and past several Acts which I could not send, the Secretary and Clerk of Assembly being not ready with their Minutes, on the 18th of November I went to Burlington to meet the Assembly of the Jerseys which satt untill the 31st of January having past tenn Bills which I do now send to your Lordships for her Majesty's approbation, I send likewise 3 other acts past before with the Minutes of Councill, and those of the Representatives so that your Lordships will see what has been done in that Province; As to the last Expedition designed against Canada Colonel Nicholson being gon home to give Her Majesty a full account thereof I shall not presume to trouble your Lordships about it, but as I must in justice inform Her Majesty of what the Assembly & people have done thereon, I beg leave to acquaint your Lordships that never people went on more cheerfully on any design then they have done on this, having raised 14.000£. for the execution thereof, and which will not doe as I am told by 4,000£ which I can not know presisely untill the accounts are setled, as we are informed that Her Majesty has been pleased to appoint Colonel Robert Hunter Governor of these Provinces and are told that he is at sea coming hither, I shall not fall into any particulars on any of the Bills, nor anticipate by giving your Lordships any private Opinion on any point relating to the same, or to any other matters, leaving that to that Honble Gentleman to doe after his arrival.

I remain My Lords, Your Lordships Most Obedient
humble Servant

March 15. 1710

Rich: Ingoldesby.

Visit of Three Indian Sachems to the Lords of Trade.

[Journal, XXI. 417.]

Whitehall, April 25th 1710

At a Meeting of Her Majesty's Commrs for Trade and Plantations.

PRESENT—Earl of Stamford
Lord Dartmouth
Mr Monckton.
Sr Ph: Meadows
Mr Pulteney

Three of the Sachems lately arrived from New York coming to the Board, Their Lordships acquainted them by their Interpreter Mr Abraham Schuyler that they were glad to see them here, and that they would be ready to give them all the assistance possible in anything that might relate to their service, Whereupon the said Sachems returned their Lordships thanks, and desired their protection from time to time as occasion might require.[1]

Governor Hunter to Secretary Popple.

[New-York Entries, II. 170.]

To Mr Popple

Sir

I give you this trouble that you may acquaint their Lordships of the Council of Trade that I arrived here two days ago. We want still three of the Palatin Ships & those arrived are in a deplorable sickly condition. All is quiet on the Frontiers; by the next occasion I shall be able to inform their Lordships more particularly with what relates to this Province, but this ship being ready to sett sail for Lisbon I have only time to add that I am, Sr,

Your most humble Servant
Ro: HUNTER.

New York
the 16 June 1710.

Colonel Quary to Mr. Pulteney.

[New-York Entries, II. 183.]

To John Pulteney Esqr.

Right Honble.

There hath been such miscarriage in letters that I thought it my duty to send severall copies of the inclosed in hopes to secure one safe to your hands. I am honour'd with your most obliging letter of the 10th of September last, for which I return my most humble duty. As

[1] For an account of the reception of these Indians at Court, and their speech to the Queen, see *Smith's History of New-York*; New-York, 1829, I., 175.—ED.

soon as I heard of His Excellency Collonel Hunter's arrivall in his Government of New York, I hastened thether to pay my duty to him, in few days he went to the Jerseys and published his Commission in that Province to the great satisfaction of all persons and partys whose spirits and tempers he had so allayed and sweetened by his speech in Councill (which was soon made publick) that there appeared a very great disposition in all persons towards an union and reconciliation of all p^{r}ticular differences, disputes and former quarrells so that those who were the greatest enemies seemed to contend only who should soonest referr all Contests to the Judgment & Determination of so good a Governor, & I begg leave to assure your honour that the reconciliation of these private quarrells will very much tend to the accomodating all the publick desputes and Contests of the Country in a Generall Assembly; the main of all being that of Property, in which his Excellency hath assured them that he will not interpose or concern himself, but leave it wholly to the determination of the Law. Had some former Governors taken that just and prudent stepp the Country would never have been involved in those heats and confusions which of late they have laboured under. I may truly say that never any Governor was sent into these parts of the world so very well qualified to answer this great end as his Excellency Colonel Hunter is, his Judgment, Prudence and temper is very extraordinary and sufficient to overcome great^{r} difficulty than what he will meet with in composing the differences of these Governments. I cannot at present be more particular buf shall by the next. Before I conclude I begg leave to assure your Hon^{r} that his Excellency hath shewn much prudence and conduct in order to the settleing the poore Palatines by which the end which Her Majesty proposed will be effectually answered in a vast advantage and security to all these Governments. I will not presume further on your Hon^{rs} time but referr to my next and begg leave to subscribe myself. Right Hon^{ble}. Your Hon^{rs} most faithfull and obedient Servant

New York this 5th July 1740 [1710.] — Rob^{t} Quary

Collonel Nicholson is expected in Boston every day all things is in a readyness there (as I am informed) they are uneasy at his stay, the nature of the design requires all the dispatch imaginable, delay may prove fatal. I hope the next Post will bring the account of his arrival and so remove all fears.

Governor Hunter to the Lords of Trade.

[New-York Entries, H. 173.]

To the Right Hon^{ble} the Lords Commissioners for Trade and Plantations.

My Lords

By a small vessell bound for Lisbon I gave your Lordships notice of our arrival here, since that time all the Palatine ships separated by the weather are arrived safe except the Herbert Frigat where our Tents and arms are, she was cast away on the East end of Long Island on the 7th of July, the men are safe, but our goods much damaged. We still want the Berkley

Castle which we left at Portsmouth, the poor people have been mighty sickly but recover apace, We have lost above 470 of our number.

Soon after my arrival I sent the Surveyor with some skilfull men to survey the land on the Mohak's River, particularly the Skohare to which the Indians had no pretence, being Colonel Bayard's Grant, they however, by the instigation of some ill intentioned men at first refused to suffer it to be surveyed upon pretence of its having return'd to them after the resumption, but have been better advis'd since, so that at this time he is actually surveying of it. These lands however I believe will be no ways fit for the design in hand, being very good Lands, which here bears no Pines and lyes very remote. I shall however be able to carry it on elsewhere, for there is no want of Pines but the pine land being good for nothing the difficulty will ly in finding such a situation as will afford good land for their settlements near the Pine lands; I am in terms with some who have lands on Hudson's River fitt for that purpose which I intend to view next week in company with M^{r} Bridger who is now with me, and gives me good Incouragement tho' I have mett with some discouraging Accounts here, but after full Information I beleive I shall be able at least to accomplish the great design so I be supported in it at home.

I have as I think a much more difficult task here that is reconsiling men to one another and their true Interests, all I can say as yet is that they are in no worse disposition then that I found them in. I can make no Judgement as yet of the settling a Revenue, some alteration in the Commission of the Peace and Militia seem absolutely necessary, but none shall be made but such as are, so that your Lordships may not be troubled with Complaints, and I may have no difficulty in answering; In this as in everything else I shall have no regards but to her Majesty's true Interest, according to the best of my capacity.

There was a mistake in the transcribing of my Instructions as to the name of M^{r} Prevost, his name is David, but in the Instructions Daniel, There is another in Her Majesty's Letter for restoring M^{r} Walters, his name is Robert, but in the letter he is called Thomas Walters, your Lordships will I hope give directions to have them rectifyed, I have however ventured to swear them of the Council, the mistake being palpable, and I at a loss for a Quorum without them.

I have sent by this Conveyance (the Kingsail) the seals of the Two Provinces broken in Council as I am ordered by her Majesty's Instructions.

There is one thing I must humbly offer to your Lordship's consideration. There is a Tract of Land, part of the resumed Grant of Captain Evans, called the Highlands, being about twelve miles in length along the River, mountainous and barren and Incapable of Improvement or of a road, and only valuable for fire wood, no man will accept of any part of it under the Quit Rent directed to be reserved unless it be what is contiguous to the River, where he may with ease transport the wood; so I beg your Lordships will be pleased if you think good to explain that part of the Instruction directing that the length of each Tract of Land to be hereafter granted do not extend along the Banks of any River with an exception as to that part of Evans Grant, for if the Patenting of Lands and Increasing the Quit rents be necessary this Exception is so.

One thing more, the Queen likewise directs by Her Instructions, that in each Patent there be a Covenant on the Part of the Patentee to plant, settle and effectually cultivate at least three acres of land for every fifty in three years from the date of the Patent. Most of the unpatented, lands within this Province lye very much exposed to the French and Indians of Canada on the Frontiers, so that during the warr no settlement can with any safety be attempted, wherefore I offer it humbly to your Lordships if it be not necessary to apply to Her Majesty for leave to grant lands with a Covenant to plant and settle as before in three years

after the conclusion of the present warr with France, which will increase the Quit Rents in the mean while and secure the planting of these lands in that time.

And to what relates to the Indians, The Senekas suspected to be in the French interest have ever since my arrival kept their Fires burning as a sign of their continuing in the Covenant Chain, and have by one of their Principal Sachems endeavoured to clear themselves of that suspition. The Waganha's[1] a nation heretofore in the French interest at a meeting of the Five nations where two of our deputies assisted have entred into the Covenant. The French have built a stone Fort at Chamblis on the River that runs from the lake into the River of S^{t} Lawrence. They have had lately four ships from France, two with men and two with Provisions. They have sent some small partys of their Indians toward the Frontiers of New England of which I have advised Colonel Dudley, These advices we have from our spyes.

I have sent to the five nations to meet me at Albany the 10th of August, and have fixed our assembly to the first of Septemb^{r} the Harvest obliging us to that delay, and some small time being requisite toward the quieting of Men's Minds before they meet in an Assembly.

In relation to the malversations of M^{r} Peartree and the present Mayor of New York,[2] I must refer your Lordships to Captain Davis and Captain Clifton's Information, who are now bound for England. Captain Davis declares only that the Mayor had hindred him and his Captain from pursuing their deserters and had threatned to clap them in prison if they offered at it, Peartree however was in no ways acceptable here as a Councillor, as I find the other is not as a Mayor having continued so for several years.

By an express from Colonel Nicholson I have just now notice of his arrival at Boston the 17th of July. The Berkley Castle the last wanted Palatine Ship lost Company with them the 3^{d} of July last. I shall weary your Lordships patience no further then by assuring your Lordships that I am with the deepest regard

My Lords, Your Lordships' most obedient
and most humble Servant

July 24, 1710. Ro: Hunter.

Mr. Bridger to Secretary Popple.

[New-York Entries, H. 180.]

To M^{r} Popple.

S^{r}

I have the honour to receive Her Majesty's letter and one from their Lordships by Colonel Hunter, Governor of this Province, wherein Her Majesty is pleased to cômand me to goe for this place in order to assist the Governor in the Placing and instructing the Palatines in the raising Naval Stores. This service is very chargeable to me which I begg may be considered by their Lordships representation to my Lord Treasurer of the service I am now on.

S^{r}, I do not fear but a few years will prove that Her Majesty may be sufficiently supply'd hence with Naval Stores, The Tar Tree must stand two years after preparing before it can

[1] Outawas. *Colden's Five Nations*, xvi., 42.—Ed.

[2] Ebenezer Wilson. *Valentine's Manual.*—Ed.

be made into Tarr which time once sunk or over a constant supply will follow this I have acquainted their Lordships with more than once, I am now going up Hudson's River in order to settle the Palatines on proper land.

S^r^. I am sorry their Lordships cannot support me in the seizures of the Masts I have made, nor the Expences I am at on that service, it is impossible for any officer to preserve Her Majesty's interest, now every one going into the woods in defiance and cut what they please; I have laid the same so often before their Lordships, that I now most humbly begg pardon for repeating it.

S^r^. In their Lordships letter I understand the Act I proposed for the preserving all White Pine or Mast Trees, was not come to their Lordships hands; It is the same with the other Act that preserves Pitch Pine and there only wants the words of all White Pine and Mast trees before or after Pitch Pine, as you shall think proper, the penalty to be one hundred pounds sterling for every tree cut, fell'd or destroyed according to the words of the Charter, only the forfeiture to be one moiety to Her Majesty the other to the Informer that shall sue for the same, humbly submitting all to their Lordships, I am, S^r^. Your most humble Servant

New York July 26^th^ 1710 J. Bridger.

Governor Hunter to Lord Dartmouth, Secretary of State.

[New-York Papers, VI.; 32.]

New York y^e^ 28 July 1710.

My Lord.

Her Ma^ty^ was pleased to direct me to see that justice was done here to my Lady Lovelace, and spoke very feelingly of that Lady's affaires, when I had the honor to kisse her hand for leave. The case stands thus: By an Act of Assembly in the Jerseys there was £800 given to the Lord Lovelace; after his death there was another Act of Assembly past giveing £500 of that sum to Coll. Ingoldsby the then Lieu^t^ Govern^r^. £100 for contingencys, and £200. only to the Lady Lovelace. I suppose by this time both these acts are laid before he Ma^ty^ and I make no doubt of her Ma^tys^ approveing the first and disapproveing the later, but the difficulty will be to gett back the money, Coll. Ingoldsby haveing already toucht it, and his necessitous circumstances will hardly allow him to refund, as I am inform'd. I wait her Ma^tys^ orders in that matter and shall do all my best to procure that Lady justice, and in every thing to act for her Ma^tys^ service, which on many acc^ts^ ought to be the whole businesse of my life, and beg your Lordship to believe that I am with the greatest gratitude and deepest regard,

My Lord

Your Lo^ps^ most faithfull

and most humble Serv^t^

(signed) Ro: Hunter.

I wrote at large by the Kingsale:
this comes by the Maidstone.—

Governor Hunter to the Lords of Trade.

[New-York Entries, H. 105.]

To the Right Hon^ble^ the Lords Cômissioners of Trade and Plantations.

My Lords.

I am just returned from settling the Palatines on Hudson's River, and the Deptford Man of Warr under sail, so that I have not time to send your Lordships so full an account of affairs here as I could wish and as I shall do by the Mast Fleet.

The Assembly here mett on the first of the last month and adjourned during my absence, at their opening I recomended to them the setling of a Revenue, the Defence of the Frontiers, the Militia Act, restoring the public Credit, an act for returning sufficient Jurors, an Act to prevent the Burning of Woods, an Act for the relief of the creditors of Bankrupts in England out of their Estates in this Province

They mett in very indifferent humour but I hope they are now in a better disposition, they sent for an Estimate of the yearly expences of the Government which was laid before them.

The first Act they passed was an Act for reviving and continuing the Militia Act to the first of November 1711.

The next was an Act for the better settlement and assurance of Lands, both which have past the Councill with some amendment.

The Assembly has likewise past an Act for laying an Excise on all strong liquors retailed, to be continued to the first of November 1711, and the money arising from thence to be paid to the Treasurer of the Colony for the time, and to be by him payd and apply'd to such uses as by an Act of General Assembly hereafter to be made for that purpose shall be limited & expressed.

They are so fond of their own Treasurer which her Majesty has been pleased to allow them in some cases, that no arguments hitherto used can prevail with them to direct the money which is to goe for the suport of the Government, to be paid to the Queen's receiver here against whom they have conceived some prejudice.

They have also past an Act for the more ease of Trade, and an Act for reviving an Act for returning sufficient Jurors in Tryals at Law, these three last have not as yet past the Councill, nor are the two first yet assented to, I shall send them all by the Mast Fleet from Boston with particular remarks.

They have now under their consideration the scheme of the Ordinary Expences of the Government, It is said they wholly disapprove of some expences, and of others in part, and from thence are making a scheme of their own, by which they must intend either to ascertain the sùm they will give for the yearly support of the Government, and leave it as usual to be apply'd by warrant in Councill or else to appropriate the Money they give as they did when Colonel Ingoldesby had the Administration, a few days will clear that matter.

A table of fees has been prepared in Councill and an ordinance ordered to be drawn for establishing it; The Assembly were going to prepare a Bill for that purpose, but this has put a stop to it at present, but they seem very intent to have their Concurrence in it and pass it into a Law.

I shall be very carefull of observing Her Majesty's Instructions in assenting to such Laws as they have or shall prepare.

The Assembly in the Jerseys is to meet at Burlington the 14^th^ of November next, where I foresee more difficulties, if possible, then I have mett with here, the Councill were divided about the place of meeting, one party insisting upon the Act past last Assembly, (which is not

yet returned with Her Majesty's Approbation or dissent) for their meeting for the future at Burlington, The other, on the Instruction for their meeting alternatively at Burlington and Amboy, I proposed that in regard to the season there being hardly any house at the place called Amboy, they should meet pro hac vice, at Burlington and in case her Majesty should think fit to disapprove of that Act, that Sessions to be made good to Amboy by the two next insuing which was accordingly agreed to.

By the Mast Fleet your Lordships shall have also a copy of my Transactions with the five Indian Nations; they have given assurances of their fidelity and resolution to keep the Covenant Chain bright (as they phrase it) and have desired to have Missionarys and garrisons in their Castles, they have promised to receive no French Priests or Emissaries, and to acquaint me with whatsoever the French propose to them.

They insisted upon their Right to the Lands of Scokery near the Mohacks Country and refer'd me to Records; I found in Albany Instructions to the Commissioners there to restore them to their Right and Title to these Lands, I owned their Title and they had a new consultation where they resolved to make a present of those Lands to her Majesty which I accepted with thanks in Her Name and ordered them a suitable present, which they have not as yet called for, and indeed this is the only land almost within this province left to Her Majesty to grant, tho' the whole be neither peopled nor cleared.

I have been obliged to purchase a Tract of Land on Hudson's River from M^{r} Leviston consisting of 6000 acres, as your Lordships will observe from this imperfect draught of it, for 400£ of this Country money that is 266£ English for the planting of the greatest division of the Palatines. It has these advantages, besides the goodness of the soile, that it is adjacent to the Pine which by the Conveyance we are Intituled to and a place where Ships of 50 foot water may go without difficulty. Over against it, but a little further, I have found a small tract of about a mile in length along the River which has by some chance not been granted, tho' pretended to have been purchased of the Indians by some, where I have planted the remainder; they are not all as yet transported, but I am making all possible dispatch that I may prevent the winter, this Tract also lyes near to the Pine. M^{r} Bridger who attends that work, and is on the spott, chose the first and approved of the last place. And now I am to acquaint Your Lordships that this great and usefull design of providing England for ever hereafter with Naval Stores, can not fail other ways than by being let fall at home, for if Tarr be made of Pitch-Pine, and a number of hands can manufacture it, here is enough for all England for ever, as I suppose M^{r} Bridger has informed Your Lordships more fully. I must crave leave to acquaint your Lordships that I was much alarmed by a letter from M^{r} Perry wherein he tells me that he not only could not get the money advanced by him of the Treasury but was told by the Officers there that he must expect it out of the 10,000^{li} given by the Parliament for that purpose. I know not what the Parliament has given but I know that by Her Majesty's Instructions founded upon Your Lordships Report, which was revised and approved by My Lord Treasurer, I am ordered to put in execution that scheme which directs that they should be subsisted at the rate of 6^{d} & 4^{d} per diem full grown and children, which by their contract they are to repay out of their labour when they are able to subsist themselves, and for that purpose had bills of 8000£ given me which will soon be expended, and then I must see poor people starve, or subsist them upon what credit I can make here, which if not supported at home I am undone, which is the least of the evil consequences which must attend the letting that Project drop in that manner, I flatter myself that what M^{r} Perry has heard from the Officers of the Treasury was the effect of some mistake in them, or some difficultys in the Treasury at that time. I beg your

Lordships assistance in setting that matter upon a right foot that I may go cheerfully on with this great, this extensively beneficial work of Your Lordships projection which now can meet with no rubb that it is possible to foresee but that of want of support from home.

I have sent a scheme of their Past and future expence to My Lord Treasurer and shall soon be obliged to draw Bills upon his Lordship for their Currant subsistance, The great expence of the Work I shall deferr untill I hear further or find credit for what is absolutely and immediately necessary. I humbly beg pardon for my long confused letter, but the ships being unde saile I hope will in a great measure plead my Excuse.

I beg leave to subscribe myself, My Lords,

Your Lordships most humble

and most obedient Servant

(Supposed Oct: 3d 1710.) Ro: Hunter.

Mr. James Du Pré to Secretary Vernon.

[New-York Papers: Bundle Aa. No. 3.]

Honored Sir

By the Kingsail Man of War I gave myself the honor to write, but could not then entertain you with any steps taken for settling the Palatins, since that time the Governor having found insuperable difficulties in setling of 'em down in the lands that were thought upon, more from the scituation than otherwise, they being at a great distance from the River, the charge of making the necessary magazines had possibly surpassed the original value so that his Excellency hath been obliged to Cast his Eyes elsewhere and offers having been made to him, by one Robert Levingston who hath a great Tract of good manuring Land, on his Progress to Albany he viewed the same with the adjacent Pine Lands & upon his likeing thereof hath contracted with the said Levingstone for 6000 acres good improveable Land with the Liberty of making use of the Pines adjacent where the Palatins may find work enough for 2 or 3 score years to come others as the Patrone (as he is called here) & Collon. Schuyler whom you have seen, have done the like, so that the experience Mr Bridger hath had of making Tar from the Trees as prepared by him, makes him confident that it cannot fail of good success, & nothing else than the want of support from home can prevent it. Two years will be required to prepare the Trees, but afterwards there will be such a succession of them as will enable the sending Tar & Pitch enough not only for supplying the Royal but even the whole Navy of England, & will give such a life to ye Trade of this Country, as may very much contribute to encourage the woollen manufactory at Home & discouraging of it in the Plantations, by making the returns from this so far exceed the import, that it will make this Port the Emporium of the Continent in America. I think it Sir needless to sollicit your Countenance in this intended design, the benefit of Great Britain is so visible therein, that there need no more than hint it to make you espouse it & become sollicitor & promoter of it, with the ministry & in Parliament if need be for appointing a fund for setting of it briskly agoing

The Palatins begun last week to embarck for the Places where they are to be settled, the rest of the time after they have prepared the Trees for making Pitch & Tar they shall employ in raising those things that will be fitting for their future comfortable subsistance

Sir, I beg again leave to trouble you about my small concerns, the which having already laid before you I shall not enlarge on, only pray your assistance in procureing an order to his Excellency for repaying me the expences I have been at on the Coast of England and for allowing my salaries from Christmas last. His Excellency hath honoured me with the Post of Commissary of the Stores with an allowance of 250£ yearly which obliges me to great expence; & provisions or necessaries of life are as dear here as at London & Cloathing twice the Price. I recommend myself to your favour and with my prayers for the welfare of your illustrious family shall conclude with subscribing myself with profound respect

Honoured Sir
Your most obedient
& most faithfully devoted
Servant

N York 4 Oct 1710. Jas. Du Pré

Lords of Trade to Governor Hunter.

[New-York Entries, II. 195.]

To Colonel Hunter

Sr

Since our letter of the 30th of August a Duplicate whereof has been sent you, We have received Yours of the 24th of July last and congratulate you upon Your safe arrival at New York.

We are glad to hear that the men in the Berkley frigat escaped with their lives and that the goods, tho' damaged, were not wholly lost, and do hope that the Berkley Castle is arrived e're this.

We are well perswaided of your care and diligence in settling the Palatines to the best advantage, altho' the Lands on the Mohack River may not be proper for the produce of Naval stores, and consequently not proper for the settlement of the said Palatines, yet we cannot but think you will be able to find other Lands for that purpose And as you have informed us that you are upon a treaty with some persons for Lands on Hudson's River, we wish you had explained what the terms were on which the said Lands had been offered you, that we might have given you our thoughts therein.

Tho' feuds and animositys between some of Her Majesty's subjects in New York have for some time past been carried to a great height, Yet we hope from your prudence and good conduct they will be allay'd, it being so much their Interest in particular, as well as that of the Province in General

The mistake in the names of Mr Walters and Mr Prevost was in the Transcriber of Your Instructions and of the Queen's letter, they were named as they ought to have been in what was sent from us. However we shall take care that the same be rectified; In the mean time your swearing them into the Council will not be misinterpreted they being the persons intended.

We have received the old Seals of the Provinces under your Government which shall be laid before Her Majesty.

We have considered what you write in relation to the Patenting Captain Evance's Grant, but at present can give you no particular directions therein, However in the mean time you may go on in the Patenting such other Lands, as shall appear most advantagious for Her Majesty's Interest and for the settlement of the Frontiers.

As to what you write in relation to that Part of your Instructions which requires that the Patentees shall cultivate 3 acres of Land for every 50 acres, in 3 years after the date of their Patents, we have considered the same, and do concur with you therein; and shall accordingly lay it before Her Majesty.

We are glad to find the Senecas have cleared themselves of the suspition they lay under; and that the Waganhas[1] are come off from the French Interest: We shall expect to hear the effect of your interview with the five Nations of Indians; Tho' we doubt not but that by your ability and prudent management of them, they will be kept steady in their duty to the Crown and as Frontier against the French.

You have done wel to give Colonel Dudley an account of the Intelligence you had of the French and their Indians, But as we hope Colonel Nicholson will have success in the Expedition he is gon upon, we beleive the French will be less able to disturb the settlements in New England for the future.

We have received a letter from Colonel Ingoldesby dated the 15th of March last, together with the minutes of the Council of New Jersey from the 30th of November 1709 to the 31st of January $170\frac{9}{10}$, The Minutes of Assembly from the 31th of November 1709 to the 31th of January $17\frac{10}{11}$ as also several Acts past in that Province (a List whereof is here inclosed) But whereas he has neither given the reasons for the passing the said Acts nor sent us his observations upon each of them as he ought to have done, We desire that you will let us have your observations thereupon as soon as may be that we may consider the said Acts at a proper opportunity. So we bid you heartily farewell.

Your very loving Friends
STAMFORD
PH: MEADOWS
Jno PULTENY
Robt MONCKTON
ART: MOORE.

October 26. 1710.

Mr. Bridger to the Lords of Trade.

[New-York Entries, H. 252.]

To the Right Honble The Lords Commissioners for Trade and Plantations.

May it please your Lordships

My Lords.

In obedience to Her Majesty's Commands of the 3d of January last, which I received in June, and arriv'd here 10th July which commands my attending the Orders of Colonel Robert

[1] See ante, p. 168. — ED.

Hunter Esq[r] her Majesty's Governor here, to instruct the Palatines in making Naval Stores; pursuant thereunto I have with the Governor been up Hudson's River at Albany and Schinectedy and have seen and viewed several great Tracts of Pitch Pine proper for making Tar, Pitch &[c]. Those tracts, together with some more which I have seen, will be capable of producing a sufficient Quantity for the Royal Navy, and, if fully supported by Her Majesty, enough for all Brittain and this Government, with the others on this Continent will be capable of making great Brittain the mart of all Europe for Naval Stores, but, unless supply fully, this great and good Designe must fall entierly.

The Land proposed in the Maquas Country for the settlement of the Palatines is so far up in the land, and no Pitch Pine there, render it uncapable of that service, In order therefore to lay this design on a better and more sure foundation, the Governor has purchased six thousand Acres of Land, that with some land of Her Majesty's fitting for the Palatines settlement, both on Hudson's River, oposite to each other, the Center of the Pitch Pine Land much more commodious for the designe then any other place in this Government.

It cannot be any surprize to your Lordships to know that it must be Two years from the Preparing of the Tree before any Tar can be made of them, having several times layd it before your Lordships; the last spring was so far advanc'd before the Palatines arrived that it was too late to prepare any Trees by which not only the expence but a full year is lost.

There is nothing that I desire more than to see this great and good designe, which I have been labouring in more than thirteen years, fully compleated and humbly take leave to assure Your Lordships that no pains, care or diligence, or any thing in my power shall be wanting to make it effectually answer her Majesty's and Your Lordships expectation; there is nothing can make it abortive but want of a due encouragement and supply from Great Britain for only Two Years, which will require only Fourteen Thousand Pounds a year before they are capable to support them selves, and soon repay Her Majesty's Charity, and to make this undertaking still more certain and successfull humbly beg leave to say that it is impossible for me to support or subsist myself in the prosecuting this service unless enabled by your Lordships to perform it, for I am more than £500. out of my own money above my salary for five years past, having no traveling charges nor my own money allowed me which I was out of in prosecuting those People at Piscataqua that destroy Her Majestys Woods at Piscataqua, nor any consideration whatever, but barely two hundred pounds a year. The services and charges I have been at I have yearly layd before your Lordships, I shall only pray your Lordships favours and humbly leave it to your wisedome and Consideration, and with all possible deference take leave to subscribe,

My Lords, Your Lordships most obedient
and Dutyfull humble Servant

Nov[r] 10[th] 1710. J. Bridger.[1]

[1] John Bridger was commissioned by the Board of Admiralty, along with Benjamin Furzer, to inquire into the capacity of the American Colonies for producing Naval Stores, and to survey all the Woods for masts, oak timber, pitch pine, and for land suitable for Hemp. He accompanied Lord Bellomont to Barbadoes, where, falling sick "of a debauch," Furzer died, and Mr. Bridger was left behind. He, however, followed the Earl of Bellomont to New-York in 1698, and was sent by his Lordship to Boston to execute his Commission and to instruct the people in the manufacture of Naval Stores. He came to New-York to instruct the Palatines, but returned almost immediately to New England, where he became odious, especially to the people of Maine, by his attempts to prevent them cutting down pine trees on their own ground. He was accused with having accepted money from persons for leave to cut masts, which was refused to others who were not disposed to purchase the permit. The House of Representatives of Massachusetts complained of him to Governor Shute, by whom he was, however, protected. In 1729 he was succeeded in his office by Colonel Dunbar, afterwards Governor of New Hampshire. *Hutchinson's History of Massachusetts, II.; Williamson's History of Maine, II.* — Ed.

Mr. Bridger to the Lords of Trade.

[New-York Entries, II. 256.]

To the Right Hon^ble^ The Lords Cômissioners of Trade and Plantations.

May it Please your Lordships.

My Lords.

With great submission to Your Lordships' Consideration I humbly begg that your Lordships would be pleased to represent me to Her Majesty for a Cômission to the services Her Majesty has commanded me to, the third of January last, which is a particular service, separate from my other Commission and Instructions, the places five hundred miles distant from each other, this service I am to perform by orders from the Governor here from time to time, which will cause a very great expence on me, and a very great charge to have the Instruction and direction of so many people on so material a service, and wholy to depend on me and those I shall bring hither from New England which I know have knowledg in this affair, which must be my Deputies, for there is none that knows this work perfectly but my self, either here or in Great Britain, having made the experiment myself many years since, and to be surveyor General of all Her Majesty's Lands on the Continent of America which word *lands* is, but by what accident I know not, omitted in my Commission, not by designe I very well know, for 'twas look't on to be a material service, that of her Majesty's Lands, there being great quantity escheated to Her Majesty in New England, and great abuses here, for want of such an Officer, as I am well assured, partly by what I have seen since my being here and partly from what I have been told by people of knowledg, and to be Surveyor General of all Naval Stores raised here, and at Boston, agreeable to the Merchants request to your Lordships last year.

My Lords,

I humbly begg your Lordships favours in representing my salary to Her Majesty; The service will be very chargeable, the work lying in so many places will require my moving from place to place continually; I have laid out for the Palatines five Towns, all on Hudson's River, where I must be in the summer, and at Piscataqua in the Winter, for there is nothing to be done in the woods 'till then by reason of the Indians. I am endeavouring to serve the Mast Fleet before they saile, if possible, and then into the woods there; Your Lordships I hope will consider my expences on this great service, and enable me by a salary to support myself, and not to lay out my own money as I have all ways hitherto done. Her Majesty's Officers here have twenty shillings allowed them for their Travailing charges at home, viz^t^ the Surveyor of the Customs, the Ingineer & Post Master. I hope your Lordships will think this service is as material as any of those & support me accordingly, humbly submitting all to your Lordships' great wisdom and Justice. I am, with all possible deference, My Lords, Your Lordships' most obedient & most dutifull humble Servant

New York J. Bridger

Nov^r^ the 13^th^ 1710.

Governor Hunter to the Lords of Trade.

[New-York Entries, II. 213.]

To the Right Hon^ble^ the Lords Cômissioners of Trade & Plantations.

My Lords

I did myself the honour to write to Your Lordships immediately after my arrival here by the way of Lisbon, and since that time by the Kinsail and Deptford Men of Warr. I was able to give you then but an imperfect account of the Affairs of these Provinces, and am sorry that I can mend the matter but little now, for tho' the Assembly here hath sate ever since the first of September last, except during an adjournment of about ten days, whilst I was settleing the Palatins on Hudson's River, they have gone thro' but very little business necessary for their own preservation, or the suport of Government.

Untill such time as I can send Your Lordships the Journal of their house intire, I must beg you'll be satisfied with what I now send, with an account of some of their proceedings and some remarks upon the same, which I am bound in duty to offer to Your Lordships.

By my former I told Your Lordships what I had recommended to 'em at the beginning of their session, as you'll see more fully in the Speech at the beginning of their Journals; Soon after that I was informed that they had the bill of fees, which had been disapproved by Her Majesty mightily at heart, and were preparing another, upon which I sent them a message to this purpose, that in conformity to one of Her Majesty's Instructions to me (a Copy of which I then laid before them) I was then, with the advice and assistance of the Councill preparing such a Regulation of Fees as I made no doubt would be satisfactory to 'em and accordingly sent them that Regulation with the Ordinance annex't, when we had prepared it, the Copy of which your Lordships will find herewith mark'd N° 1.

Immediatly upon this they prepar'd a Bill entituled an Act for the more ease of Her Majesty's Subjects which your Lordships will here find marked N° 2. which Act past their House, but was rejected in Council, and they are now forming another Bill of Fees, which I beleive may have the same Fate.

Answerable to the Proceedings the next thing they doe is to resolve that 2500 ounces of Plate should be levied for the Governor's necessary expences for one year, which is little more than half the salary appointed by Her Majesty; upon which I sent for their house and told them that reading their vote of the 25^th^ of October, relating to the support of Government, I took occasion to acquaint them with some of my Instructions relating to that matter, lest they should make a wrong Estimate of the yearly expence of the Government, and accordinly read to 'em the 25. 26. 27 & 28^th^ Articles of the Instructions, and deliver'd 'em a copy of the same, and desired they might be entred in the Journals of their House. I told them that altho' I could not accuse myself of anything even in my thoughts that might have deserved my being distinguished by them from all former Governors in that manner, Yet I should be very unwilling to beleive that any of Her Majesty's subjects, but more especially such as lay under so great Obligations to her, would call in question Her power of appointing such salaries for Her Governors as she should think fit, out of the subsidies granted Her for the support of Her Government. The effect that this had upon them was only this, that they went on striking out some articles intirely, which had formerly been allowed for these purposes, and retrenching others to less than one half, and altho' some of their members frequently mov'd that what I

had then said to them might be taken into consideration, it was industriously put off, and waved from time to time, and Colonel Morris, one of their members, who in a speech (of which you have herewith a Copy marked 3) prest the reconsidering of that matter with some warm expressions, which they interpreted to be falsly and scandalously vilifying the honour of their house was expelled the same.

The Money Bills which have passed their house are,

An Act for laying an Excise on all strong liquors retailed in this Province to the first of November 1711. N° 4.

An Act for laying a Duty on Tonnage of vessells and slaves for the same time. N° 5.

An Act for laying a Duty on Chimeys for the same time.

An Act for laying a Duty on goods sold by vendue or Auction for the same time

which several Acts, as I am well inform'd, will not raise a Fund sufficient for the sûport of Government, even according to their own appropriating Articles in an Act for that purpose now passing their House.

Observing that there were no steps made towards the payment of the publick Debts, I sent on Saturday last for the Assembly and spoke to 'em as in the 24th Page of the Inclosed Journal and at the same time gave them Her Majesty's Letter, relating to the demands of the Lady Lovelace, and desired it might be entred also in their Journals. What effect it will have upon 'em I know not, but I have small hope of a good one, or indeed of any thing else that hath been recômended to 'em.

Your Lordships will be at a Loss to find out the reason of these proceedings, and their backwardness for the sûport of the Government, I'll tell you the pretended ones, and then as far as I am able to guess, the real ones.

It's pretended that the Expedition intended against Canada hath sunck them so low that they are not able to raise the ordinary allowances for the Government; But that is meerly a pretence for the Fund appointed for the defraying the expence of that Expedition was a Land Tax, whereas the Money formerly given for the uses of Government arose by an Impost on goods imported and exported and by an Excise.

Another reason given is the misapplication of former Revenues, which hath involv'd the Country, as is alledged in a Considerable Debt.

If I am rightly inform'd the Revenue might have been so husbanded that the Government might have been sûported by it as formerly it was, that the Country might be assured that what Revenue they should think fit to give for the purposes mentioned should be duely applyed, I proposed to several of their members (Judging it not proper to doe it to the House) that they might insert in their Bill a Clause obliging the Receiver General to be accomptable to them, as well as to Her Majesty; And that it might not be in the power of the Governor and Council to load the Country with further debts by Warrants on the Revenue; I proposed to 'em likewise the framing a Clause whereby no Warrants sign'd by the Governor in Councill should be a Debt on the Country, or demand on the Revenue, 'till it was first accepted by the Receiver General; and that no more warrants might be drawn on him than he had money in his hands to answer, he should at the expiration of every quarter lay before the Governor and Councill a True State of the Revenue as it then stood, that so Warrants might issue for so much (if the service required) and no more, and be paid in course as they should be number'd; and for this he should give security here to Her Majesty, as he hath done in England, which I think would answer all their objections, and take from them all pretences of appointing a Treasurer of their own for the Queen's Revenue.

The true Reasons as farr as I can understand from private discourse with the most considerable amongst them, are the exemptions, in a great measure of the neighbouring Governments from such expence, but they doe not consider that the Government of Massachusetts Bay is at 20,000£ yearly charge at least for the defence of their Frontiers, whilst theirs are for the most part defended by Her Majesty's forces and Purse, for 'tis apparent that it cost the Queen at least 20,000 a year, in maintaining of Forces and ships of War, for the defence of their Country and Trade.

Another reason is, that by virtue of an Act, giving a daily allowance to each Assembly Man, it is now become a Trade and brings them in more than most of 'em can get by their ordinary Imployments, and by the popular arguments of having saved the Country's Money, some have got the Elections secured to themselves, who have always been and ever will be the refractory in what relates to the Expence of Government.

Your Lordships have a ready remedy in your hands for this evil, if you think fit to apply it; In the 3^{d} year of King William and Queen Mary, an Act of Assembly was past in this Province whereby each Assembly Man had 10^{shs} a day allow'd him for that service, which Act continued in force 'till the 13th of King William at which time an other Act past, whereby the first was repealed and allowing only 6 shillings a day to each Representative which last mentioned Act was likewise repealed among others by an Act of Assembly made in the first year of Her Majesty's Reign, for repealing several Acts of Assembly &^{ca}. In the year 1708 this last mention'd Act was disallow'd by the Queen, so that the second mentioned Act came to be in force again and still continues so: Now this Act being thus in force, and not particularly approved by Her Majesty, Your Lordships if you so think fit may advise her Majesty's disapprobation of it, by which means the first Act, for the 10^{shs} a day will be in force, but never having received Her Approbation may likewise be disallowed; And then there will be no Act in force, whereby the Assembly can demand or receive any Wages; for now that expence for this Session only amount to near half as much as they have voted for the support of the Government for one year, and then it may be hop'd that we may have men of substance, sense and moderation for Representatives, who come with true intent to serve their Country, not themselves, one thing I will boldly affirm to Your Lordships that the warmest Assembly of Men, in the most tumultuous times never strain'd the word Priviledg to that bent that they dayly doe.

Their particular reasons for Retrenching my Salaries at this time is an opinion that hath very much obtain'd (credence) that Her Majesty hath no power to appoint Salaries, which most of 'em venture to say in their House, and some of the most considerable of 'em out of it, with this weighty Argument to back it, that by the same rule that she appoints 1200 she may appoint 12000.

Now My Lords I have shewn you the evil, the pretended and the real Causes; I wish it were as much in my power to point at a Remedy, but that is better suited to Your Lordships wisdom to find out, but I must beg leave to assure you that our circumstances here do require an effectual and speedy one, unless Her Majesty would be satisfy'd with a very precarious Government in this place for the future if any at all.

There is one thing I would propose to Your Lordships as a Remedy in part. In the infancy of the English Government here Lands were granted without any reservation of Quit Rents, at least there appears none in the Records of many Patents, others were granted, with a reservation of such Quit Rents as then were or should thereafter be established by the Laws

of this Country: others, and indeed all that have since been granted 'till after the death of the Lord Lovelace, are under a very inconsiderable Quit Rent; Those granted since are with a Reservation of 2^{sh} 6^{d} each 100 acres, but the quantity is so small and there is so little in Her Majesty's gift, that if all were Patented, the Quit Rent would amount to a very inconsiderable sum; so that if your Lordships thought fit to advise the passing of an Act of Parliament at home, that all lands within this Province granted or to be granted should pay to Her Majesty a Quit Rent of 2^{s} 6^{d} Sterling for every hundred acres, or such further sums as your Lordships shall think fit, I beleive it would goe a great way in raising a Fund sufficient for the Government here; And if it should be objected that Persons holding a great Tract of Land would upon such an Act resign 'em, Yet it is evident that nothing could be a greater advantage to this Colony, for then great numbers of Persons who remove from hence into Proprietary Governments for want of lands, would by that means find lands at home, for there is nothing hath more contributed to the keeping this Country unpeopled that single men's possessing vast tracts of Land to the extent of some 20 and some 30 miles square which they keep in their own hands, in hopes of Planting them with Tenants of their own, which is never to be expected in a Country where the Property may be had at so easy Rates; & I am afraid at length we must come to some such contrivance to get the Pine Lands out of their hands which are of no manner of use to 'em, but when Her Majesty shall have occasion for 'em they will then put a value upon 'em.

Another Remedy which would effectually answer the end is the laying, by Act of Parliament, an Impost on all goods imported and exported into and from this Province; but I beleive Your Lordships will in this case think it advisable that this Act should extend to all the Northern Provinces: As also an Excise on all Strong liquors retailed, if your Lordships should think fitt to agree to this, for your Information I referr you to an Act establishing a Revenue here in the Year 1692. N° 9.

These are all the Remedies I can think of unless Her Majesty would be pleased to defray the charges of this Government from home.

As to my own particular I must beg the favour of Your Lordships to recommend to Her Majesty that my Salary for this year (if no provision be made for me here, as I am apt to beleive there will not) be paid out of the Duties arising from Cacao imported here by my incouragement in a Prize taken by two Jamaica Privateers, the Customs whereof will amount to a very considerable sum, and that your Lordships will be pleased, to procure Her Majesty's Order to the Collector of this Place for the purpose, or out of any other moneys in his hands, arising by vertue of any Act of Parliament, which tho' formerly apply'd by the Governors here to the uses of the Government in common with the Revenue; Yet doe find it out of my power, the Collectors having orders from the Commissioners of the Customs to remit all such sums to them for the future.

What I am next to trouble Your Lordships withall is no less Material, but I hope will give you more satisfaction; I have now settled the Palatines upon good lands on both sides of Hudson's River, about one hundred miles up, adjacent to the Pines; I have planted them in 5 Villages, three on the east side of the River upon 6000 Acres I have purchased of M^{r} Levingston about 2 miles from Row-Lof Jansens Kill; The other two on the West Side near Sawyer's Creek, as your Lordships will observe by the Inclosed sketch N° 10, compared with your Mapps. The lands on the West Side belong to the Queen, each family hath a sufficient Lot of good arrable Land, and ships of 15 foot draught of Water can sail up as far

as their Plantations. They have already built themselves comfortable huts and are now imployed in clearing of the ground: In the spring I shall sett them to work in preparing the Trees, according to Mr Bridger's directions whom I must recommend to Your Lordship's for an Additionll salary, not being able to attend this work upon his owne.

And now My Lords this universally beneficial scheme can not fail of success but by being neglected at home, which I hope there is no reason to apprehend, for I myself have seen Pitch Pine enough upon the river to serve all Europe with Tarr, and I hope I have hands enough according to the modestest computation that hath been made of one man's labour for a year to serve Her Majesty's Navy at least with that Commodity. Mr Bridger's letter which comes with this will further inform Your Lordships of this matter.

The Accounts which I have sent to the Lords Commissioners of Her Majesty's Treasury will shew you how well I have husbanded the small Funds intrusted to me for their subsistence, and I hope your Lordships will think yourselves concern'd to take care that what Bills I shall draw for their future subsistence be duly comply'd with lest by their failing the whole design prove abortive, seeing, By Her Majesty's Commands to put in Execution the scheme Projected by your Lordships I am directed to subsist them at 6d for all adult persons and 4d for young persons pr day, out of which fund I have saved in proportion to the time, the Officers allowance and some part of the emergencies, and Considering that by next spring they will have cleared small tracts of ground for Indian Corn and gardens, I compute that 15000£ a year for two successive years will be sufficient to defray the expence of their subsistance, officer's Salaries and Contingent charges except Cowes, Horse &ca mentioned in the Estimate sent to the Lords of the Treasury.

For whatsoever besides which I may have omitted in relation to the Palatines I referr your Lordships to the bearer Mr Dupré, Commissary of the Stores, who hath been of great use to me and I beg you will dispatch (him) speedily back to my assistence and I hope with a favourable return to the errant he is sent on.

Besides the Acts mentioned in the foregoing part of my letter, I have past, and transmitt to Your Lordships, these following

An Act for the better settling the Militia of this Province. Mark'd N° 11.

An Act for returning able and sufficient Jurors. Mark'd N° 12.

An Act to repeal a Clause in an Act against Counterfeiting and Clipping foreign Coin, &c N° 13. which is only intended to prevent their slaves from stealing their Household Plate to clip. As also

An Act for the better settlement and assuring of Lands. N° 14.

The reason which induced me to pass this Act was that the Assembly seemed to be very fond of it, and I would leave 'em without this pretence for not settling the Revenue, tho' I own I past it with reluctancy, seeing there was no saving of the Queen's Right to it; But the persons who hope to receive any benefit by this being to remain in the peaceable possession of what they now claim 'till the first day of September 1713, without any suite to be prosecuted for the same, Her Majesty will have so long time to disallow it without receiving any prejudice by it, if any Incroachments have been made on any of Her Lands.

I send your Lordships also home an Act to repeal an Act to oblige Mr Robert Levingston to account &c past in Colonel Ingoldesby's time. N° 15

When your Lordships have read the Act I am persuaded you'll think it reasonable to offer it to Her Majesty for her approbation.

I send Your Lordships herewith Copy of the Minutes of Council from my arrival here to this time. N° 16.

The slow-measures of this Assembly have obliged me to adjourn that of the Jerseys to the first of December next, which should have met this day.

I acquainted Your Lordships in mine by the Deptford of the expedient I found to end the dispute about the place of meeting of that Assembly. If your Lordships think it for her Majesty's Interest that there should be one Assembly for the two Provinces, I beleive Her Majesty's approbation of the Act past in Colonel Ingoldesby's time for that Assembly's meeting constantly at Burlington for the future, it would be an inducemennt for the Majority of the Proprietors and Inhabitants to address for such an Union.

I have already tired your Lordships but shall not trespass any more at this time on your patience than by adding that I am, with the deepest regard, My Lords

Your Lordships' most obedient
and most humble Servant

Nov^{r} 14th 1710. Ro: Hunter.

Warrant for the Introduction of a new Covenant in Land Patents.

[New-York Entries, H. 200.]

Anne R.

Trusty and Wel beloved We greet you well, Whereas Our Commissioners of Trade and Plantations have made unto us a Representation in the Words following

"May it please Your Majesty

"Having received letters from Collonel Hunter Your Majesty's Governor of New York "wherein he gives an account of some difficulty he meets with in seating the Frontiers, we "humbly take leave to represent to Your Majesty, that by one Clause of his Instructions, he is "required to take care that in all Patents of Land for the future there be a Covenant to oblige "the Patentees to plant, settle, and effectually cultivate at least three acres of Land, for every "fifty acres within three years after the Date of their respective Patents upon penalty of "forfeiture of every such Grant, upon which the Governor observes that most of the unpatent'd "Lands lye remote and very much exposed to the French of Canada, and their Indians, so "that during the war no settlement can with safety be attempted on the Frontiers, whereby "your Majesty loses so much of Quit Rents as would arise from the Grants of such Lands; "Wherefore we humbly offer that your Majesty be pleased to allow of an alteration in the "said Instructions, viz^{t} that the Covenant in every Grant of Land on the Frontiers be to plant, "settle and effectually cultivate at least three acres for every fifty acres of Land, in three years "after the end of the present Warr with France, which will increase Your Majesty's Quit "Rents in the mean while, and facilitate the seating of the Frontiers after a Peace and that "Your Majesty's pleasure be herein signifyed to the said Governor."

We having taken the said Representation into our Princely Consideration in Our Privy Councill, have thought fit to approve thereof, And we accordingly hereby empower you, pursuant to the Opinion of Our Commissioners in the said Representation, that the Covenant

in every Grant of Lands on the Frontiers be to plant, settle and effectually cultivate at least three Acres for every fifty acres of Land in three years after the end of the present War with France.

And for so doing this shall be Your Warrant. And so wee bid you farewell. Given at Our Court at S^{t} James's the one and Twentieth Day of November 1710 In the ninth year of our Reign.

By Her Majesty's Command.

DARTMOUTH

To our trusty and Wel beloved Robert Hunter Esq^{r}
our Capt^{n} Generall & Governor in Cheif
of our Province of New York, in America &
in his absence to the Cômander in Cheif
or to the President of the Councill of our said
Province for the time being.

Governor Hunter to the Lords of Trade.

[New-York Entries, II. 283.]

To the Right Hon^{ble} The Lords Commissioners for Trade and Plantations.

My Lords

The inclosed is a Copy of what I write by M^{r} Dupré whom I have sent Express by the Mast Fleet, This comes by the Packet Boat by which I received the Instructions relating to Illegal Trade, and the Wollen Manufacture amongst the Palatines and Commissions or Letters of Mark.

Yesterday I prorogued the Assembly here to the first of March next, they have done nothing, so that all the absolutely necessary parts of the support of Government are now, and have been ever since my arrival here defray'd by my poor purs or credit, which you'l easily be convinced can not hold out long.

I send Your Lordships now their Journal intire, by which you'l find the truth of what follows.

The Assembly having by a clause in a Bill for laying a Duty on Chimneys made the Treasurer accountable to them alone, The Council made an amendment making him accountable to the Governour, Councill and Assembly, as has been the Custom ever since the Country had a Treasurer of their owne, as also another amendment exempting the Poor Palatines from that Duty, and sent to acquaint the Assembly with those amendments. The Assembly did not consent, the Councill adhered and desired a Conference which was granted, where the Council gave their reasons for insisting on their amendments, but the Assembly neither agreed to the Amendments nor desired another conference.

The same steps were made as to the Amendments to a Bill for laying a Duty on Goods sold by Auction, relating to the Treasurers accounting, only the message from the Assembly was in General terms, viz^{t} That the Council could not but be informed of the steady and constant resolutions of the Assembly not to admit of any amendment to a Money Bill, at a Conference the Councill offered their Reasons to support their Right, warranted by constant practice, till of late, and confirmed by Your Lordships opinion which was given them by my Lord Cornbury in the following terms.

Gentlemen, I am commanded by the Right Hon^ble^ The Lords Commissioners for Trade and Plantations to acquaint you that Her Majesty's Councill for this Province have undoubtedly as much to do in forming of Bills for the granting and raising of money as the Assembly, and consequently have a right to alter or amend any such money Bills, as well as the Assembly, These things I am ordered to acquaint you withall, that you may avoid the like Errors for the future.

This was offered to them, as it stands in their Journals, in 1706, but to no purpose.

Another Bill past the Assembly for disposing of the stores in the hands of the Commissioners at Albany for the intended Expedition against Canada, whereby they assume a power to sell and convert to what use they please not only the stores bought by the Country's money; but all Her Majesty's stores, arms and ammunition, Guns and Mortars taken from Her Magazines here, as sent from those in England: This was thought by the Councill presumptuous and unjust, and therefore made an amendment confining them to the sale of such stores only as were bought by the Colony's Money, but the Assembly would not agree to it; And tho' at a Conference the Councill gave them their Reasons for the Amendments they never vouchsaf'd them an Answer.

After this the Assembly sent up a Bill for the Treasurer's paying sundry sums of Money, whereby they had appropriated what they gave toward the support of Government which was not much more then half of what there is a real necessity for, and much less than the half of what has been heretofore allowed: To this Bill the Councill made an Amendment whereby it was left to be issued by Warrant past by the Governor by and with the advice & Consent of the Councill as is Commanded by Her Majesty's Instructions. The Assembly would not agree to this, and the Councill insisting they desired a Conference where the Council gave their reasons for the amendment, viz^t^ The Queen's Instructions, the former practice here, and in other Plantations, and the Method observed by Parliament in that Case not to appropriate what was given for the Civil List. The Assembly's Reasons for not agreeing to the Amendment, and the Councill's reasons for insisting upon them Your Lordships have herewith mark't. N°

They sent also up another Bill of Fees much like that Her Majesty disapproved last year reduceing the Fees so low that no Officer could live, Tho' the ordinance for that purpose had reduced them enough in all consience. This the Councill have ordered to lye upon the Table.

I acquainted your Lordships with the naturalization Act, which had its rise in their own house, and was intended for their service, seeing Her Majesty's Instructions to Naturalize the Palatines would have been one Inducement to have past it, but they let it drop, upon which I put them in mind of it, and acquainted them with your Lordship's Representation to Her Majesty that the Palatines should upon their arrival here be Naturalized without Fee or Reward, but they have declined it for no reason that I can guess but that it was recommended to them, seeing they themselves were to be the chief gainers by it.

I read to them and gave Her Majesty's Letter in favour of My Lady Lovelace,[1] earnestly recommending to them what is but material justice. The day before her Lord's death they had voted £1600. to him, his Heirs & Assignes and after his death they reduced it to five. I pressed it both in publick and private as a piece of justice that nearly concerned the credit of their house, and what would be most acceptable to Her Majesty but to no purpose for they have taken no manner of notice of it.

[1] This document will be found, at length, in *Assembly Journal*, I., 284. — Ed.

After what I have said I need not tell your Lordships the difficultys I labour under and the necessity of some speedy relief. For indeed if my instructions would have allowed the passing of all their Money Bills, it was but an abuse offered to the Government at best, for the Fonds are given for twice as much as they would raise and the Vendue at Auction Bill, which was to have raised £500 would not have raised one farthing, the promoters of it owning that they intended no more by it than a prohibition of that method of sale which they have ever looked upon as detrimental to their Trade.

Now, My Lords, unless it could be supposed that Her Majesty could rest satisfyed to have her Governour and Council here made Cyphers, Her Authority in their persons trampled under foot, and matters of Government for the future managed by the caprice of an Assembly, I firmly hope for and promise myself a speedy and effectual Remedy.

Some of the Councill proposed a Representation to Her Majesty from their Board, but knowing the unhappy consequences of that method in the Jerseys I discountenanc'd it, seeing the Assembly's own Journalls will sufficiently make appear the truth of what I have represented. I must do Her Majesty's Councill here the Justice to declare that I think it is not possible for men in their station to behave with more vertue and resolution with regard to Her Majesty's Right and Prerogative then they have all of them done, excepting one man that is Colonel De Peyster, the Country's Treasurer, who has had the misfortune to be singular in every individual Vote since I have had the honour of sitting at the head of that Board, and so avowedly that at a Conference one of the Council was obliged to tell him, that he appeared there as an advocat for the unaccountable proceedings of the Assembly, not as a man who had taken an Oath to maintain the Queen's right.

All the Acts that I have passed this Session are what follow and indeed I have past all that came the length of my assent.

An Act for laying an Excise on Ale, Strong Liquors retailed in this Colony.

An Act for continuing an Act for laying a Duty on Tonnage of Vessells and Slaves.

An Act for reviving an Act of General Assembly intituled an Act for better setling the Militia of this Province, and making it more usefull for the security and defence thereof.

An Act for reviving an Act Entituled an Act for regulating and returning able and sufficient Jurors in Tryalls at Law.

An Act to repeale a Clause in an Act Entituled an Act against forging, Counterfeiting and clipping Foreign Coin which is current mony in the Colony of New York.

An Act for the better setlement and assurance of Lands.

An Act to prevent the burning of Woods

An Act for repairing the Blockhouses, Platforms and other the Fortifications of the City of Albany, and Town of Schenectady in the said County.

An Act to collect the Arrears of Taxes.

An Act to retrench the growing Interest of Bills of Credit.

An Act to enable the districts of Islip in the County of Suffolk to elect two Assessors, a Collector, Constable and Supervisor.

If Your Lordships think the Fees as they are now regulated reduced so low I wish some such additions as you judge proper may be made, and that then Your Lordships would be pleased to recommend the same to Her Majesty for her approbation and an Instruction thereupon not to pass any Act of Assembly, if your Lordships are of opinion the ordinance should remain

for you may be assured the Assembly will otherwise pass a Bill for regulating them as they call it the next session, as they have done this.

Twas impossible to get the Acts last past Ingrossed but by the next Packet Boat I will send them to Your Lordships. I am with all imaginable regard, My Lords, Your Lordships most humble

New York and most obedient Servant
Novr 28th 1710. Ro: Hunter

Lords of Trade to Governor Hunter.

[New-York Entries, H. 260.]

To Robert Hunter Esqr.

Sr.

Since our letter to you of the 26th of October last, a Duplicate whereof is here Inclosed, We have received three from you, one without date, the others of the 14th and 28th November 1710 the 2d of which was brought to us by Mr Dupré, and the last by Mr Keil, together with the papers of publick proceedings referred to in the said letters. But that Paper which relates to Your Conference with the Five Nations of Indians which you promised in the first of the afore mentioned Letters to transmit by the Mast Fleet, is not yet come to hand. You will therefore do well to send the same to us by the first conveyance.

At present we have little more to acquaint you withall than that we are laying before Her Majesty what you write in relation to the settlement of the Palatines, and their being further subsisted; As also your proceedings with the Assembly touching the setling of a Revenue for the support of the Governt of that Province, whose non complyance with what you recommended to them we hope will be overcome by your prudent endeavors, and that they may be prevailed upon at their next sitting in March to act conformable to what you have recommended to them, and to the good and welfare of the said Province; And so soon as we shall be acquainted with Her Majesty's pleasure upon the fore going particulars, we shall give you an account thereof.

We have had under Consideration Your ordinance for establishing a Table of Fees, and the better to judge of the reasonableness of those Fees we did endeavour to compare them with those of 1693, but finding a difficulty in it, by reason they are not in the same method, we desire that you will send us another copy of the said Ordinance distinguishing what Fees are new in this which were not in the former, and wherein the Fees in this ordinance differs from those of 1693, together with your reasons for such variations.

We shall take the severall Acts you have transmitted to us into Consideration at a proper time.

Having considered what you propose in Relation to the Acts giving an allowance to members of Assembly, that the same be repealed, We do find upon examination, that the first of those Acts past the 9th of Aprill 1691, Entituled, An Act for the allowance to Representatives, is Confirmed by order in Councill in the Reign of his late Majesty King

William, Dated the 11th of May 1697, a Copy of which order is here Inclosed for your further information, and having acquainted you herewith we shall expect to know what you have further to offer in that matter.

As to what you write touching your being paid your Salary out of the Duties arising on Cocao we are to acquaint you that, by Her Majesty's Commands, We have had under consideration an Address from the Inhabitants and Planters in Jamaica, complaining of the high Duties payable on Prize Goods in that Island, and have thereupon reported to Her Majesty Our humble Opinion that the Duties arising in pursuance of the British Act, upon Cocoa, Sugars, Indigo, Snuff, Tobacco, Piemento and other Commodities of the growth of America, which are usually afterwards imported into this Kingdom, and pay the full duties here, and also Wines and Brandies, which are seldom sent from Great Britain, should be discharged of the said Duties.

But that the said Duties do remain on Goods as are of European Growth or Manufacture, as Woollen, Linnen, Iron & Steel &c which by Law ought only to be imported into the Plantations from Great Britain, and a Bill enacting that Prize Goods taken and carried into any of Her Majesty's Colonies and Plantations in America shall upon the Importation thereof, be liable to such Duties only as would have been payable for the same upon the Importation thereof into those Colonies or Plantations respectively, in case the Act of the 6th year of her Majest's Reign Entituled, An Act for the Encouragement of the Trade to America had not been made, being now depending in the House of Commons, if our said Report should be laid before the House, and that Bill framed Conformable to our said opinion, the Duties at New York upon the Cocoa you mention will of course be remitted, as the like Duties on Cocoa and other Goods imported into other Plantations.

As to what you mention concerning the Councill of New Jersey their being divided about the Place of the Assembly's meeting, and what you proposed to them thereupon, We are further to acquaint you that we have considered the same, and shall lay the Act passed in that Province intituled an Act ascertaining the Place of Sitting of the Representatives to meet in General Assembly, before Her Majesty for her pleasure therein. So we bid you heartily farewell. Your very loving friends

	Stamford	Cha: Turner
Whitehall	Ph: Meadows	Geo. Baillie
January ye 29th $17\frac{9}{11}$	Jno Pulteney	Arth: Moore

Lords of Trade to Lord Dartmouth.

[New-York Entries, II. 267.]

To the Rt Honble the Lord Dartmouth.

My Lord

Having since our Letter to Your Lordship of the 12th of the last month prepar'd a Representation relating to the Productn of Naval Stores in New York, and the settlement of the Palatines

there for that purpose, We transmit the same to Your Lordship, which you will please to lay before her Majesty for her pleasure therein, We are, My Lord,

Your Lordship's most obedient humble Servants

STAMFORD R. MONCKTON
PH: MEADOWS CHA: TURNER
Whitehall J. PULTENEY GEO: BAILLIE
February the 8th $17\frac{10}{11}$ ARTH: MOORE.

Representation of the Lords of Trade respecting Naval Stores, &c.

To the QUEEN'S MOST EXCELL[t] MAJESTY.

May it please your Majesty

Our proposal of the 5th of Decemb[r] 1709 for setling three thousand Palatines at New York, and for employing them there in the production of Naval Stores having been approved of by your Majesty, and the said Palatines transported thither accordingly, We have now received from M[r] Hunter Your Majesty's Govern[r] of that Province, an Account of what Progress has been made in that settlem[t] and have likewise been informed thereof as well by letters from M[r] Bridger (Surveyor of Your Majesty's Woods on the Continent of America) who was directed to go from New England to New York, to instruct them in the said manufacture, as by the discourse we have had with M[r] Dupré, the Person sent over by your Majestys said Governor to solicit a further subsistence for the said Palatines, Whereupon we beg leave humbly to lay before your Majesty.

That the said Palatines did not arrive at New York till June last, when the season for preparing the Trees for making Tar was over, Whereby nothing could be done that year towards the production of Naval Stores. However that there might be no loss of time the Governor went with the said M[r] Bridger to view several Tracts of Land upon Hudson's River, and on the Mohaques River. The latter was judg'd too remote, and therefore the Governor purchased for two hundred twenty six pounds sterling, a Tract of land containing six thousand acres, lying on the East side of Hudson's River, which is about a hundred miles from New York.

On that land the greatest number of the said Palatines are setled in three towns, where they have already erect[d] their Huts.

Opposite thereto and belonging to Your Majesty on the West side of the said River, lyes another Tract of Land, extending about a mile in length to the side of that River; on which Land the rest of the Palatines are seated in two towns.

Which said settlements are very commodious, as well in regard of the fertility of the soil, as that they are adjoyning to the Pine Lands, and that ships drawing fifteen foot water may come up to them.

M[r] Dupré has informed us that when he came away the number of the Palatines so setled was Two thousand, Two hundred, twenty seven, who were then employed in clearing the ground, for Indian Corn & Gardens; And are this Spring to be set on work in preparing the Trees for the Production of Tar and other Naval Stores.

Your Majesty's said Govern[r] and Surveyor do say, That this great and usefull undertaking of providing this Kingdom with Naval Stores cannot fail of success if duly encourag'd and supported from hence, there being Pines enough for a constant supply of Tar for the use of all the shipping of Great Britain.

In order to produce Tar the Trees must be rinded in the Spring, after which it is necessary that they stand two years that the Sap may be lost, and only the Gummy substance remain to be run into Tar, by burning the Trees after a particular manner; Wherefore 'till the Palatines can make Tar, in order to reimburse Your Majesty what has already been or shall be further advanc'd for their use, the Governor proposes y^{t} they be subsisted at the rate of six pence p^{r} Day, for Persons above ten years of age, and four pence a head p^{r} Day for children under Ten Years; To defray which expence and other charges incident to the said undertaking (as is more particularly set forth in an Estimate now lying before the Lords of Your Majesty's Treasury) he Craves an allowance of Fifteen Thous^{d} Pounds a Year.

In regard it was so late before the said Palatines were seated, as before mention'd, and for that the weather in that Country is usually very hard during the Winter season, they could not by their labour contribute towards their own Lively hood during any Part of the first year, which Time to that purpose be reckoned lost; Therefore the Governor proposes that the said allowance of fifteen thousand pounds a Year, be made for Two years to be computed from Midsummer 1710 wthin the first of which two years, (though a great part of their labour will be employed in the Spring, to prepare Trees for making Tar,) He computes they will be so far able to contribute towards their own lively hood, that the said sum of Fifteen thousand pounds will in a great measure answer the rest of that year's expence on account of the said undertaking, And that within the latter of the said two years the produce of their lands will contribute towards their support to such a further degree that the second fifteen thousand pounds will be sufficient to answer the second years expence, and to make good the deficiency of the former year.

For the subsistence of the Palatines up^{n} their arrival at New York the Governor carryed from hence Bills of Credit for Eight thousand pounds, And (as he informs us) has drawn Bills on Your Majesty's Treasury for that, and for a further sum of four thousand, seven hundred pounds, all which mony he says has been expended in subsisting and settling of those people; and that he has transmitted an account thereof to the Lords of your Majesty's Treasury, whereby he says it does appear that he has disposed of that mony wth good management, and therefore prays y^{e} said Bills may be complyed with.

If the production of Naval Stores wthin Your Majesty's Dominions in America be incouraged and brought to such perfection that sufficient quantities thereof may be imported from thence, for the use of the Royal Navy, and if the rest of the shipping of Great Britain (which we are credibly informed may be done) The said Stores (bought there with the produce of the Woollen and other Goods from Great Britain) being consumed here, in lieu of such as are imported from the Northern Crowns, the doing thereof will not only turn the ballance of that Northern trade, in favour of this Kingdom, But your Majesty and Your subjects will for the future be at a greater certainty of being from time to time supplyed with Naval Stores from America than can be depended upon from the Baltick and Norway, especially in case of a rupture with either of the said Northern Crowns. Therefore we presume humbly to Offer Our Opinion that the said Palatines be supported in order to their carrying on and improving the said Manufacture of Naval Stores, so greatly advantagious and beneficial to the Navigation of this Kingdom.

In our abovementioned Proposal We humbly offered to Your Majesty that M^{r} Bridger who, for some years past, has been imployed in Your Majesty's Service in New England, with a Salary of two hundred pounds a year, should be ordered, with three or four other persons as his assistants to repair from thence to New York, to instruct the said Palatines in manufacturing

Rozin, Turpentine, Tar and Pitch, for which service we then proposed that a hundred pound a year should be allowed during such their stay and imploy at New York. Accordingly the said Mr Bridger repaired thither and has been very serviceable in finding out Lands proper for the settlement of the Palatines, and in the seating them thereon, as your Majesty's said Governor has informed us; But that the said Mr Bridger has had no consideration for such his services in regard he the Governor is not sufficiently empowered by authority from your Majesty to make any allowance for the same. When the last letters came from New York, Mr Bridger was in New England taking care of your Majestys Woods in that Country, but was to return from thence to New York this spring, to instruct the said Palatines in preparing the Trees and Manufacturing the said Naval Stores; Wherefore we humbly offer that out of such mony as your Majesty shall be graciously pleased farther to advance on account of the said Palatines, for the carrying on the said Manufacture of Naval Stores, the Governor be impower'd and directed to allow and pay the said Mr Bridger a yearly salary of one hundred pounds, during such time as he shall be imployed at New York, in the service of instructing the said Palatines as aforesaid.

All which is most humbly submitted.

Stamford	R Monckton
Ph: Meadows	Cha: Turner
J. Pulteney	Geo: Baillie
Art: Moore	

Order in Council in relation to a Standing Revenue.

[New-York Entries, II. 296]

At the Court at St James' the 1st day of March 1710

Present—The Queen's most excellent Majesty, in Councill.

Upon Reading this Day at the Board a Representation from the Lords Comissionrs for Trade and Plantations in the words following vizt

To the Queen's most excellent Majty

May it please Your Majesty

Having laid before Your Majesty such account as we received from Your Majesty's Governor of New York of the settlement of the Palatines, and of their being Imployed in the Production of Naval Stores in that Province, We now beg leave humbly to represent to Your Majesty the difficulties he has met with from the Assembly, in relating to his procuring the Grant of a Revenue there.

The last act of Assembly, whereby a Revenue was granted to Your Majty for defraying the publick charges of that Government, expir'd the 18th of May 1709; The Governor who arrived there in June 1710 did on the first of September following, in his Speech at his opening the first Session of Assembly, among other things earnestly recomend to them the providing a fitting and necessary supply for the service of Your Majestys Government, and that they

would take care to restore the publick Credit. In order whereunto, at the desire of the Assembly, an Estimate of the yearly charge of that Government was laid before them, part of which estimate they disallowed, and prepared another Estimate of the charges of that Government.

On the 25th of October following the Assembly voted 2500 Ounces of Silver towards defraying the Governor's necessary expences for one year; The value of which Quantity of silver he computes of little more than half of what Your Majesty has been pleas'd to appoint for his salary. Whereupon he communicated to them that part of Your Majesty's Instructions whereby he is impowered to receive to his own use as Govr 1200£ sterling a year, out of the Publick Revenue of that Province, and added that he presumed they would not dispute Your Majesty's Right of appointing a Salary for the use of Your Governor.

They struck out some Intire Articles in the said estimate of the yearly charge of that Government, and retrenched others to less than one half, tho' some of the members proposed, that what the Governor had offered might be further consider'd, and one of them having press'd it with some warmth was thereupon expelled the Assembly. Afterwards on the second of November they voted twelve hundred pounds more for defraying the charge of the Governmt and for the security of the Frontiers.

On the sixth of November following a Bill was brought into the Assembly, giving a Power to the Treasurer of that Province, out of the Publick Treasure lying in his hands (unappropriated) to issue 5667½ ounces of silver, for the use of the garrison and other the uses therein particularly mentioned; Which sum the Governor informs us was little more than half what was necessary, and very much less than what has usually been allowed for those services.

To this Bill the Councill made an Amendment by which the mony was directed to be issued by Warrant of the Governor, by and with the Advice and consent of the Councill, conformable to your Majesty's Instructions in that behalf, and to former practice there; The Assembly disagreed to this amendment, and there were several conferences between the Councill and Assembly, on the subject matter of yt amendment, without any good effect. Whereupon the Governor found himself obliged on the 25th of the said Novembr last to prorogue the Assembly to the first of March next, in hopes they will then meet in a better temper. In the mean time by this Proceeding of the Assembly there is no Provision made for the Paymt of the said Governors salary, or for defraying the other publick & necessary charges of that Government; Except what may arise from the two Acts past that session for setling an Excise on strong liquors, and for laying Duties on the Tûnage of Vessells and Slaves, All which 'tis computed will fall much short of the forementioned services.

The Governor has informed us of what reasons some of the Members of the Assembly give for their not providing for the support of that Government as formerly, with his Observations upon such their pretended reasons. And we further beg leave humbly to lay the same before Your Majesty.

They pretend that the Expence of that Province on account of the late intended Expedition against Canada hath so impoverished them that they are not able to raise money to answer the usual charge of the Government; Upon which the Governor observes, that the service of that expedition was defray'd by a Land Tax (the greatest part whereof we presume was spent among themselves) Whereas the Mony given for the charge of the Government was usually raised by duties on Goods imported and exported and on Excise.

Another reason they give is that the Misapplication of Revenues formerly granted, hath, as they alledge, brought a considerable debt on the country.

To remove that objection the Governor proposed to several members of the Assembly, that a Clause might be inserted in the Revenue Bill, to oblige the Receiver General to be accountable to the Assembly, as well as to Your Majesty, that such other Clauses might be added as would effectually restrain the Governor & Council, from loading the Country with further Debts by any payment to be issued out of the Revenue.

But 'tis beleived the true reason of this proceeding of the Assembly are, first, That in a great measure some of the neighbouring Governments are exempted from so great a charge.

As to this the Governor observes that the Province of the Massachusetts Bay is at £20,000 yearly charge for the defence of their frontiers, whilst those of New York are for the most part defended and secured by Your Majesty's regular forces there.

Another reason is that by Act of Assembly, every Assembly man being allowed six shillings a day, during the sitting of the Assembly, the better to secure his being chosen from time to time, he only considers the saving of the Countries money, without having any manner of regard to the necessary services of the Governm^{t}.

Lastly the Governor adds that of late a notion has very much prevailed among those people that Your Majesty has not a power of appointing Salaries out of the Revenues raised by them, and the pretended right they have assumed to themselves, of retrenching the Governor's Salary, in the manner before mentioned, is founded on that notion, Which in our opinion should not be countenanced.

This being the state of the difficulties the Governor has met with from the Assembly in relation to his procuring the Grant of a Revenue, as it appears to us from the Journal of Assembly, and from the Governor's letters, We beg leave to offer to Your Majesty Our humble Opinion.

That your Majesty's said Governor be directed to represent to the Assembly, that it being Your Majesty's undoubted Prerogative to constitute a Governor of that Province, with an appointm^{t} of such salary as Your Majesty in Your Royal Wisdom has judged suitable to the character, and necessary for the support and maintenance of that Government, it has therefore been justly displeasing to your Majesty, to find they have refused or neglected to make the like sufficient provision for the foresaid purpose as has been made in the time of Your Majesty's late Governors. And thereupon that the said Governor be further directed in the most effectual manner to recommend to them the granting the like Revenue for the support and maintenance of that Government as has usually been granted. And the better to induce the Assembly to comply therein, We humbly conceive it may be proper to intimate to them, that if they shall persist in refusing or neglecting to provide for the necessary support and maintenance of that Government under the administration of Your Majesty's present Governor in like manner as y^{e} same has hitherto been supported & maintained, they must expect that such their refusal or neglect will give a just occasion to the passing an Act by the Parliament of Great Britain for granting to Your Majesty the like Revenue to arise and be paid there for the support and maintenance of that Government as has usually been granted by Act of Assembly for that service. All which is most humbly submitt^{d}

EARL OF STAMFORD. J PULTENEY
S^{r} PH: MEADOWS CHA: TURNER
MOORE

Whitehall the 16th of Febr: $17\frac{10}{11}$.

Her Majesty in Councill approving of the said Representation is pleased to order as it is hereby ordered that the Right Hon^{ble} the Lords Commissioners of Trade and Plantations do

forthwith draw up Heads of a Bill to be laid before the Parliament of Great Britain for enacting a Standing Revenue of what has been usually allowed within the Province of New York, for the support of the Governor there, and the necessary expences of the Government, according to former Acts of Assembly, and that they present the same to her Majesty at this Board, in order to Her Majestys further pleasure therein

WILLIAM BLATHWAYT.

Mr. William Pollampton to the Lords of Trade.

[New-York Entries, II. 287.]

To the R^t^ Hon^ble^ the Lords Cômiss^rs^ for Trade and Plantations.

A Proposal advantagious to all Her Majestys Plantations in America in Gen^l^ and likewise beneficial to Her Majesty in particular, Humbly offer'd to the consideration of the Right Hon^ble^ The Lords Commissioners for Trade by William Polhampton.

The strength, support, and security of the Peace, People and Trade in the Provinces on the Continent of America, are (as in all other places) the Soldiers and Sailors maintained and Imploy'd in the Service and Defence thereof.

Her most gracious Majesty indeed allows and pays, for a sufficient force to maintain that security but if this be diminish^d^ by the clandestine means of some particul^r^ persons for their own private Interests its a vast detriment and Dissadvantage to the said Provinces in general, and a great fraud and abuse to her Majesty in particular.

I shall first endeavour to lay before your Honours the abuses committed and then (as farr as my weak capacity will permitt) humbly offer a Remedy, to prevent the like for the future.

There are four Companies allowed to the Province of New York, each of which ought to contain one hundred private men, Three of which Companyes reside at Albany (the greatest security by land to all the Provinces from the Enemy at Canada) and the fourth at the Fort of New York: These Companies by the connivance (or I may say contrivance) of the Captains are reduced to less than half that number, for any man may have the liberty to work in what part of the Province he pleases, provided he gives his Captain his pay, neither (for a little money) need he want a discharge from the Company, nor when men dye is there any endeav^r^ to recruit because, (as I beleive, if the Muster Rolls were perus'd 'twill be found,) the Captains always muster their Companies full, and her Majesty pays accordingly, though they seldome contain half that number: So that (in all probability) should any attempt be made on either of the said places, there would not be half that resistance, as may be at home expected, by which means the Captains are enrich'd, the Country indangered and her Majesty defrauded of above 2000 p ann:

There are at this present two persons actually in London, one of which, several years past, and the other some years since were discharged from the said service, yet both (as I am inform'd, are still continued on the Muster Roll.

The Mis-management in the Naval force they are yet more Detrimental to the said Provinces, and much more so to Her Majesty, not only because the Pay exceeds that of the Land service, but by how much the Provisions are an addition to her Majesty's expence, by so much are the Frauds us'd more detrimental to Her Majesty.

The great wages in all parts of America given to Handicraft Tradsmen and Labourers on shore, and to them employed in the Merchants service at sea, are a great inducement to sailors to desert Her Majesty's service, And as it is their usual in the Winter season (while the ships are laid up) Commanders lending their men for 2, 3 or 4 months voyage, or giving them leave for such a space to work on shore, very much facilitates the escape of those who before design'd to desert, and gives opportunity to others to be influenc'd, perswaded, or some other way drawn in, to do that which (perhaps 'til then) they never thought on: And indeed, while a ship lyes up, the coldness of the winters cause such severe Frosts, that the access to shore is as easy as if the ship lay on dry ground, so that let a Captain be never so circumspect, and use his utmost caution to prevent their desertion, he cannot possibly effect it, for when every part of a ship is become a passage for escape, 'tis not a few Centinels can secure 'em and though Centinels are generally made of those who have been longest on board, Yet it sometimes happens that one Man, who has three or four years pay due, is as ready to desert as another who has but three or four days. By all which means there have been forty, fifty, sixty and more Deserters out of a small ships Compliment in a Winter, which retards our men of war from making early Cruisers in the spring, and is an Obstacle to their making effectual ones during the whole time of their station: So that the French Privateers may with much greater security infest the Coast, and prejudice the Trade of the said Provinces. But then should these Run men be kept open on the Ships Books for three, six, nine or more months after this Desertion, there is still an allowance of Provisions, which is a considerable charge. And should some or more be discharged after all instead of made Run, 'twould much aggravate y^{e} fraud, and very much augment the Expence: If such Practices be used 'tis obvious to whom the advantages and to whom the disadvantages will accrue, and though the certain sum can't be proposed yet among several ships it may well be conjectured 'twill amount to a very large one.

I do not design by this to reflect on any Particular Commander, much less (were it in my power) would I assert it against any one, But since (as I am informed) such things have been, such again may be.

To prevent which I humbly offer to your Hon^{rs} consideraç^{n}

That the Men of War attending those Stations be each winter ordered a Cruise to the West Indies, Bahamas, or such other places as may be thought most convenient for the hindrance of desertion, promotion of Trade or annoyance of Her Maj^{tys} enemies: To return back again to their stations some time in March which is before any Privateers can possibly arrive on the Coast.

That some fit person be sent over as cheif Muster Master, Clerk of the Cheque or with what other title may be thought proper, to reside at or about New York. That there be allowed three Clerks und^{r} him viz^{t} One at or near Boston in New England, One at or near Hampton in Virginia, and the other at Albany or New York, as the Person so to be sent over shall find most convenient.

That the ships whilst in Harbour be mustered at least once a week, and the land Forces at least once a Month, and returns of the Musters made as often as shall be thought necessary,

by which means in case of loss of any ship, 'twill be a great help to the Navy Board to compleat the Books for payment of such ships company.

That a Copy of those Musters be likewise taken and returned by a Man of War, when she leaves the station, least any accident happen to the Pacquet, in which such musters shall be returned.

That the cheif muster master be obliged twice every year to travell to Boston and muster such ships companys as he shall there find, twice to Hampton, doing the same there and inspect all the books belonging to each Clerk and four times to Albany to muster the land forces and take cognizance of such musters as were taken in his absence: Or to go as much oftner as there may be found occasion for it.

That such Salary or Travelling charges be allowed as shall be thought convenient and proportionable to the business to be performed which (with humble submission) I beleive will be insignificant in consideration of the advantages which both to Her Majᵗʸ and the Provinces are in all probability like to accrue by it. For the Captains and Commanders being hindred from making an advantage of their discharg'd, dead, or run men 'twill be a very great advantage to Her Majesty and in all likelihood the Captⁿˢ &ᵃ will endeavour to keep their Compliments compleat, which will be a great strength'ning and security to the People and Trade of the Provinces.

If this proposal be approv'd of, I humbly beg Your Honours Recomendatⁿ and Assistance, that I (having been in each of these places, and understanding the nature of the business) may be sent over to manage it, in the performance of which no one shall be more dilligent or carefull than,

My Lords

Your Honʳˢ most obedᵗ Servᵗ

March 6, 1711 Wᵐ Polhampton

Earl of Clarendon to Lord Dartmouth.

[New-York Entries, II. 459.]

To the Rᵗ Honᵇˡᵉ The Earl of Dartmouth

My Lord,

Your Lordˢᵖ having done me the honour to communicate to me Extracts of two letters from Colᵒ Hunter, the present Govʳ of Her Majestys Colonies of New York and New Jersey in America to the Rᵗ Honᵇˡᵉ The Lord Dartmouth Her Majesty's Principal Secretary of State, and to command me to give my thoughts upon them, I conceive 'tis Your Lordships intent that I should give my opinion how far I think it reasonable for her Majᵗʸˢ service that the Demand made by Colᵒ Hunter of 15000£ a year for two years for the subsistence of the Palatines who were transported to, and arrived in the Province of New York in the month of June 1710, at so great an expence to Her Majesty, ought to be comply'd with.

Colᵒ Hunter in his Lʳ of 13ᵗʰ Octoʳ 1710 says, I have settled the Palatines on Hudson's River upon Lands adjacent to the Pine Lands where they may in a small time provide yearly more Pitch and Tar than England can consume if it is supported from home as the Lords Commʳˢ of Trade will more particularly inform your Lordᵖ.

Col° Hunter not naming the Place upon Hudson's River where he has setled those people I beg leave to acquaint your Lord^{p}. that by L^{rs} I have lately rec^{d} from New York I am informed he has settled them upon the Lands of one Rob^{t} Livingston at a place called Rooloffe Jansen's Kill 100 and 10 Miles above New York and 40 Miles below Albany, it is most certain that great quantities of Pitch and Tar and other Naval Stores may be brought from New York and some other of Her Maj^{ts} Colonies upon the Northern Continent of America much more than Britain can consume, and that might have been done as well without the Palatines as wth them, had due encouragement been given, but I think it is unhappy that Col° Hunter at his first arrival in his Government fell into so ill hands, for this Levingston has been known many years in that Province for a very ill man, he formally victualled the forces at Albany in which he was guilty of most notorious frauds by which he greatly improv'd his Estate, he has a Mill & a Brewhouse upon his Land, and if he can get the Victualing of those Palatines who are so conveniently posted for his Purpose he will make a very good addition to his Estate, and I am persuaded that the hopes he has of such a subsistence to be allow'd by Her Maj^{ty} were the Chief if not the only Inducements that prevailed with him to propose to Col° Hunter to settle them upon his Land, which is not in the best place for Pine Trees, the Borders of Hudson's River above Albany, and the Mohacks River Schenectady are well known to be the best places for Pines of all sorts both for numbers and largeness of Trees.

Col° Hunter in his Letter of 14th Nov^{r} 1710 says, I have with good husbandry sav'd as much out of their (the Palatines') allowance of six pence and four pence a day as will pay the Officers' Salaries and some part of the contingent charge and as near as I can compute 15000£ Sterling yearly for two years foward will bé sufficient to compleat that great work. I have drawn Bills on the Trea^{ry} for a Quarter's subsistence w^{ch} I beg Your Lordship will please to recommend may be punctually comply'd with, or that people must *slave* [starve?] and I with them, and the most beneficial scheme of wealth to the Nation that has been thought of in those latter times be nipt in the Bud.

The Bills drawn by Col° Hunter for one Quarter's subsistence for 1764 Adults at 6^{d} and 445 Persons under age at 4^{d} a day in all making 2209 Persons, and amounting to £4700.17.11. seems to be computed according to the numbers that landed at New York in June 1710 which with submission I think ought not be because it is certain many of them are dead.

It is most certain that no person that has his Limbs, and will work, can starve in that Country, every Man or Woman above 15 years of age may earn two shillings and three pence New York Money (w^{ch} is eighteen pence Sterling) every day in the year except Sundays. Handicrafts men, such as Smiths, Joyners, Carpenters, Masons & Bricklayers may earn at least Five Shillings New York Money every day they will work, so that nothing can bring those people into the danger of starving but willfull laziness.

My Lord, upon the whole matter I am of opinion that if the subsistence proposed is allowed, the consequence will be that Livingston & some others will get Estates, the Palatines will not be the richer, but will be confirmed in that laziness they are already too prone to, besides they will very easily persuade themselves that the same Interest that has Obtained two years subsistence more than they expected when they were sent from Britain will obtain two more after the first two are expired and so on. I must beg leave to take Notice that this beneficial Scheme of Wealth to the Nation is not new at this time. I beg leave farther to observe that some Years ago an Act of Parliament was pass'd for the Incouraging the Exportation of Naval Stores from the Plantat^{ns} in that Act there was a Reward promis'd for the Importing such Stores,

but there was no Fund appropriated for the payment of that reward else that Act wou'd have had a better effect than ten times the Number of Palatines.

Thus I have endeavoured to give Your Lord^{p} my thoughts upon the Subject matter of the Extracts you were pleased to communicate to me as far as I conceive Your Lord^{p} intended I shou'd, If there is any thing else in which you think the Experience I have of that part of the world may be serviceable to Your Lord^{p} I shal always be ready to receive and obey Your commands whenever you shal please to favour me with them, And remain, My Lord,

Your Lord^{ps} most faithful
humble Servant
CLARENDON

March 8th 1710.

Lords of Trade to the Queen.

[New-York Entries, II. 299.]

To the QUEEN'S MOST EXCELL^{t} MAJ^{TY}.

May it please your Majesty

In obedience to your Majesty's Commands signifyed to us by your order in Councill of the first of this month, We have prepared the Draught and Heads of a Bill, to be laid before the Parliament of Great Britain for granting a standing Revenue to your Majesty to defray the necessary expences of the Government of Your Majesty's Province of New York in America, and the said draught having been perused and approved of by Your Majesty's Attorny and Sollicitor Gener^{ll} We humbly lay the said Draught together with the heads of that bill before your Majesty, for your Royal pleasure therein.

We endeavoured in the best manner we could to have informed our selvs of the yearly charges of that Government and of the annual produce of the Revenue granted by the Act passed there in 1692 but have not been able to obtain such an account thereof as is fit and proper to be laid before your Majesty, However we presume that M^{r} Blathwayt being Surveyor and Auditor General of your Majesty's Revenues in America, can lay before Your Majesty an exact state of the yearly charges of that Governm^{t} and of the annual produce of the said Revenue.

Which is most humbly Submitted
STAMFORD
PH: MEADOWS
JN^{o} PULTENEY
ROB^{t} MONCKTON
CHA: TURNER
GEO: BAILLIE
ARTH^{r} MOORE

Whitehall March
the 15th 17$\frac{10}{11}$

Mr. Burchett to Secretary Popple.

[New-York Entries, II. 321.]

To William Popple Esq^{r}

S^{r}.

I have read to the Lords Commissioners of the Admiralty Your Lett^{r} of the 24th of the last month together with the proposal of M^{r} Polhampton for redressing Naval Abuses he complains of in the Plantations and am directed to acquaint you in answer thereunto that their Lordships will give the strictest orders to the Captains of the Queens ships that they doe not at their Peril doe anything w^{ch} may prejudice Her Majesty in the manner M^{r} Polhampton represents, and will recommend it to the Governors of those places whereon the ships attend, to send them to Cruiz as he hath proposed in the Winter season. What I have more to add is, that M^{r} Polhampton was not willing to accuse any particular Officer of the abuses mentioned in his General Representation.

I am, S^{r}, Your most humble Serv^{t}

J. Burchett.

Admiralty Office
6th Aprill 1711

Lords of Trade to Governor Hunter.

[New-York Entries, II. 323.]

To Colonel Hunter

Having received a Memorial from M^{r} William Polhampton, Purser of Her Majesty's ship the Kinsale, wherein he sets forth several abuses that have been committed in the Musters of the four Companys of soldiers at New York, as likewise the Mis-managements of the Commanders of Her Majesty's ships of War in the Plantations, in relation to the men on board the said Ships, and proposes a remedy for preventing the like abuses and mis-managem^{ts} for the future; We herewith inclose to you a Copy of his said Memorial for your Information, not doubting but you have already taken care to put a stop to such abuses and Mis-managements, and that you will continue to prevent the like for the future, by the enclosed Copy of M^{r} Burchets letter you will see what directions the Lords of the Admiralty have given upon that part of M^{r} Polhampton's Memorial which relates to the Ships of War in the Plantations. So we bid you heartily farewell

Your very loving friends

Stamford. Rob^{t} Monckton
Ph: Meadows. Geo: Baillie
J Pulteney. Arth. Moore

Whitehall Aprill the 10th 1711.

Governor Hunter to the Lords of Trade.

[New-York Entries, II. 328.]

To the R^t Hon^ble the Lords Commissioners for Trade and Plantations.

My Lords

I am honoured with Your Lordships of the 26^th of October by the Pack^t boat that arrived here about a fortnight agoe, at the same time I had a letter from the Earl of Dartmouth with her Majesties Additionall directions for patenting of Lands on the Fronteers.

I have such variety of matter to trouble your Lordships withall that I am at a loss where to begin,—I shall follow the order of time.

Imediatly upon prorogueing the Assembly of this place I went to attend that of the Jersys where I met with difficulties of a new nature, there I had a Councill to struggle with which had well nigh rendered all my endeavours for her Majesty's service there as fruitless as the humours of the Assembly have done here.

I am ordered by her Majesty to compose the differences there, or Report their true Causes, and what opposition I meet with, The former being past all human power or Art I shall do the latt^r with all the cander imaginable; It is needless to goe back soe farr as the Assembly's Remonstrance in the Lord Cornbury's Government, your Lordships having had sufficient trouble in that already, But that remonstrance begott the Councill's address, comonly soe called, w^ch indeed was not soe, but a private Act of a number of the Counsellors signed by them at different times and in different Provinces, and by two of them, as they have own'd to me, much against their inclinat^ns being wise enough to foresee the consequences thereof; These Gentlemen, I mean the addressors, thus link't together in order to make good the allegations in that address, combin'd to take such measures as should make all publick Affaires miscarry in the house of Representatives, and that soe avowedly that M^r Quarry[1] thought fit to leave them in most things, and M^r Mompesson in some, without which I should never have been able to have Carryed one thing in Councill as it ought.

The first three Acts which came up to the Councill they rejected upon the second reading; and cou'd by noe means be prevailed with to commit them, thô it was urged that paying so little respect to those Bills was but a bad step to a reconciliation soe earnestly recommended to them, and that if there was anything in these Acts they disliked, they might either amend it in the Committee or Reject it at the third Reading.

These Acts were, An act for acknowledging and recording of Deeds &^c.

An Act for preventing prosecutions by informations.

An Act for ascertaining the Qualifications of Jurors, as in the first, second and third pages of the Book A. Your Lordships will have the Acts at large.

The next was an Act for regulating the practice of the Law as in page 4 of the said Book A. all that was urg'd against this Act was that the Laws of England were sufficient for that matt^r.

[1] Colonel Robert Quary was Governor of South Carolina for a short period in 1684; but the proprietors having intelligence of the encouragement given by him to pirates, dismissed him from office in 1685, when he became secretary of the province. He, however, was again governor in 1690. *Historical Collections of South Carolina*, I., 86; II., 410, 412. He was afterwards judge of the admiralty in New-York and Pennsylvania, and a sort of government spy in this country. He was member of the council of five governments at one time, viz., New-York, New Jersey, Pennsylvania, Maryland and Virginia; and died about the year 1712. :. *Massachusetts Historical Collections*, VII., 222. — Ed.

The next which came was an Act for Regulating and Appointing the Fees of the several officers and Practitioners of the Law &c as in page 5 of the said Book A.

With relation to this Act I must beg leave to acquaint Your Lordships that having in Her Majesty's Instructns ample directions as to the manner of appointing and regulating Fees, and having at the same time Your Lordship's opinion in Your remarks on the Lord Cornbury's Answer to the Assembly's Remonstrances, That noe Fee is lawfull unless it be warranted by Prescription or Erected by the Legislature, I thought it the best Expedient to have it wav'd and lye on the Table, untill such time as I should receive Her Majesty's orders, or your Lordship's directions therein, being pritty well assured that the Assembly would make noe great stir about it at that time.

The next was an Act for the better settleing and regulating the offices of the Secretary and Clerk of the Supream Court, as in page 11 of the said Book A.

This was justly rejected because of the Impossibility of keeping of the Records in both places and the great expense it would create upon a very small salary.

The next was an Act for preventing Corruption in the Courts of Justice, as in page 11 of the said Book A.

This Act was opposed with great vehemence as implying that there had been such corruption, and having a Retrospection they were prest much to pay some Regard to this Act, because of its specious title, and that the preamble of the Act was only Declaratory, That all Laws for that purpose made in England were in force here, soe with adoe we got it committed, but upon its being Reported, there happened such a Jumble as I beleive was never before heard of at such a Board, The Chairman reported that the Committee had made several amendments, These amendments were their rejecting all the several Paragraphs except the first, upon Reading each Paragraph the Question was put whether this Board doe agree with the Committee in rejecting that Paragraph. It past in the Affirmative, soe upon the third reading when the Clerk was going on, after having read the first Paragraph, hee was stopt and told that that was all as the Bill was then amended, hee replyed that it was not, The Councill having receded from the amendments of the Committee, and had accordingly soe minuted it, This I could not help mentioning as a notorious falcifying of the Minutes of Councill, most of them stood up in his justification, but being put in mind of their own argumts for rejecting each Paragraph, and the mistake imputed to the Clerks misundrstanding the words Recede from the Amendment for Rejecting the Paragraph, they acquiesced and the minutes were rectifyed; but upon the Question, if the Bill, as amended, do pass, Votes were Equal, upon which I put the Question If the Bill be rejected, It passed in the affirmative; Mr Hall in the first question having voted that it doe pass, and in the second that it be rejected.

Then came up the Act for Relieving the Creditors of persons that are or hereafter shall become Bankrupt in Great Brittain, as in the 12th page of the said Book.

It is impossible to imagine with what indignation this Act was treated by that Majority, the mildest terms that it received were that the very name of it created horrour, that it was evident ruine to that Province, and that Her Majesty was ill informed, when she gave such an Instruction. I told them that althô I seldom troubled them with my Opinion, in passing of Acts in Councill, but was very willing to be concluded by theirs, but when Her Majesty's Instructions were called in question they must pardon me the freedome which I conceived to be my duty to use on such an occasion; I told them that I thought it needless to informe them, that these Instructions were not formed upon the private Insinuations of any person, but

prepared with due deliberation by a Board comissionated for that, and other, purposes, Read and considered by Her Majesty in Councill and then approved by her. That when, in conformity to such an Instruction, the Representatives had prepared an Act and sent it to them for their concurrence, their Rejecting of it as prejudiciall to the Interest of the Province could not well bear any other construction, then that Her Majesty, Her Privy Councill, Her Commissioners for Trade, & the Representative Body of the Province, were acting in opposition to the true interest of it, or that the Councill, or rather a certaine number of them, understood that matter better than all of them together, or, what I should be very unwilling to beleive, that some of themselves were personally too nearly concerned in the consequences of passing such a Bill; I told them likewise that I had observed all along a very commendable caution in them, that all Acts past here should be very nicely conformable to the Laws of England, I hop'd there was likewise some regard due to the Interest of England, which was evidently intended by this Act, especially when it was no wayes repugnant to that of this Province, All the effect this had upon them was that the Bill was committed, Reported with amendment and Rejected.

I have enlarged upon this Head that your Lordships may be the better inform'd of these Gentlem^{ns} Inclinations, and their methods of Proceeding in Councill, and because, as I am informed, they have been drawing up Reasons in their justification, the chief of which, with relation to this Act, will be, as I suppose, that it would shake their titles; many of them holding their lands from such Bankrupts that Comm^{ns} of Bankrupts may be surreptitiously obtained in England to their ruine, and that it would frighten People from settling in that Province, but they were frequently told that the House of Representatives meant this Act only as the ground work, leaving the superstructure to the Councill, who were more learned in the Laws, for all these inconveniencies mentioned were easily to be remedyed by proper additions and amendments.

The Act to prevent commencing Actions under ten pound in the Supream Court &^{ca} as in the 14th page in the said Book was Rejected after the same manner as the others.

The Act for regulating Elections and assertaining the Qualifications of the Representatives of this Province, Page 15. This Act thô founded upon and conformable to an Instruction of Her Majesty for this Purpose was Rejected, because repugnant to an Act past in Coll. Ingoldsby's time, which act as they themselves owne was made on purpose to exclude Doctor Johnston and Captain Farmer from being Elected; These Gentlemen at that time living by chance in the Province of New York, thô their Estates, which are very valuable, lye in the Jerseys, and who have acted very zealously, and strenuously for her Majesty's service.

The next Act that came up was an Act declaring all the printed Copyes of all the Acts past in the Session of March and Aprill 1708, and 1709 of the General Assembly of this Province, to be as effectual to all Intents and purposes as the Originals could or would be, were they duly and regularly in the Secretaries Office, Page 17. To let your Lordships into the meaning of this Act, I must begg your patience whilst I numerate sev^{ll} perticulars necessary for that purpose. About the begining of that Session, I sent to the House of Representatives a message in the close of the 36th page of the Minutes of Assembly markt B. and with it amongst other things Her Majesties letter in favour of the Lady Lovelace as in the 39th page of the said Book B. The Assembly observing from these words of Her Majesty, that we not only consent to their giving the Petitioner the sum they have voted of Eight hundred pounds, but highly approve &^{c} That it being mentioned only as a vote she did not know that

it was past into a Law, and consequently that these Laws past in the Lord Lovelace's time, had not been sent home for her approbation.

They had recourse to the Secretaries Office for the Originals which were not to be found there, the former Lieutenant Governor, Collonel Ingoldsby when questioned about these Acts answered that he knew nothing of them, and that he beleived the Lady Lovelace had burnt them amongst other papers of her Lords, Upon this I had the Secretary examined more particularly, who said the Lord Lovelace had carryed them to New York to have them printed, there being noe time to take copyes, The Printer being examined declared that he had printed these Acts from the Originals, and that M^{r} Cockerell the Lord Lovelace's Secretary, who is also dead, had them from him in order to returne them to the Secretaries Office in the Jerseys; These Acts being thus lost, that due regard might be paid to Her Majesty's soe just and charitable Intentions and desires, there could be noe other expedient thought of But that of this Act, because their being an Act past in Collonel Ingoldsby's administration, giving six hundred pounds to him of the Eight granted by the former Act to the Lord Lovelace, and sent home for Her Majesty's Approbation and that Act in favour of the Lord Lovelace never having come to her Royal hands, she was left noe choice, w^{ch} to approve or disapprove.

The Councill in their Committee added a Clause in these words.

And whereas in the Eighth year of Her Majesty's reign in the Session of the generall assembly for this Province, held at the towne of Burlington in the months of December and January 1709, An Act of Generall Assembly was past, entituled an Act for explaining and rendring more effectuall an Act for support of Her Majesty's government of Nova Cæsarea or New Jersey for one year, the original whereof is lodged in the Secretaries office; Be it therefore enacted by the authority aforesaid that nothing in this Act contained shall be construed, deemed or taken to the prejudice of the said Act, either by avoiding it in the whole or in any part thereof, but the same shall remain in full force and vertue as if this Act had never been made.

It was urged against this Clause that seeing this Act as it stood imported noe more than that the Acts past in the Lord Lovelaces' time should be of the same force as if they had been duly in the Secretaries Office, unless it could be imagined that these Acts if they had been duly there could have made voyd or repealed those late ones in whole or in part, this amendment was to noe purpose, and had really noe meaning. The House of Representatives were apprehensive that this was intended by the Councill as a confirmation of that Act past in Collonel Ingoldsby's time, giving him the money granted by the former to the Lord Lovelace, or at least that the passing of this Clause might be constructed as if they were satisfyed it should be soe but the only reasons they gave for not agreeing to it were, that they would never consent to a clause soe foreigne to the Title and intent of the Bill, the Councill adhered to their amendmrnt, and soe the Bill was lost, I have however ventured to send Your Lordships these Acts of the Lord Lovelaces under the seal of the Province in the Bundle markt C having had them compared with such copies as remained in the hands of the then Clerk of the Assembly.

The next was an act for releiving of persons aggrieved by an Act past in the third year of her Majesty Queen Anne, intituled An Act for settling the Militia of this province, It is manifest that many persons have been agriev'd, under colours of this Act, by Distresses to a much greater value than the fynes which have either never been sold and remain in the

hands of the distreiners or other Officers, or, if sold, the overplus not returned to the owners, as by the Act directed, however it was committed, reported without amendments & rejected.

The next in order was an Act for raising of money, for building and repairing Goals, and Court Houses &c as in the 20th page of the Book A.

Your Lordships well know how earnestly Her Majesty has recommended that matter, and every body here sees the necessity of such a Law, for want of which many malefactors escape and the Country is put to great charges to guard them; The Councill however made severall amendments to it, most of them only changing the places to others judged by them more convenient; The Assembly agreed to most of them, but disagreed to one, which directed the building of a Goal in a corner of the County, in a place little frequented; The Councill insisted upon it, alleadging that the Undertakers, upon the credit of the former Act, had already begun that work, the Assembly offer'd for remedy that by paying that expence out of the money raised by this Act, but all to no purpose, soe this good Bill was lost.

The last was an Act for preventing the Waste of Timber and Pine trees, as in the 23th page of the said Book A. which thô of noe great consequence had the same ffate with the others.

Having thus run over ye Acts passed by the Assembly and Rejected by the Councill before I enter on Observations of the Acts by them past I must begg your Lordshipps patience whilst I make a few on their conduct.

Finding all my efforts towards a Reconciliation fruitless, at the begining of the Sessions I thought of an expedient to allay heats and prevent a further rupture; I recommended to the cheif amongst them, that, in order to enter speedily on the publick affairs, there should be noe objectns started on either side to any elections, notwithstanding of which the Councill's party in the Assembly, very unadvisedly, being but an inconsiderable number objected against the Elections of two of the chîef members of the house, Imediatly upon the Speaker's communicating my Speech to them, Upon which the other, called the Country party (I am sorry for the distinction) told me it was hard to tye their hands, while the others attack'd them, soe they expell'd two members of the other party, one Major Sanford for having sign'd the Councill's Address against the Assembly, when he was of that Board, as he was at my arrival here, but begg'd to be excus'd that service being guilty of a very foule crime consenting to, and contriving the escape of a ffellon, for his money which he had in his hands to a considerable value, and who was afterwards apprehended and hang'd, confessing at his death the whole matter, which was but too well known before.

This Majority in Councill which I am sorry I have occassion to mention soe often under that name, having boasted all along, that they and their Freinds only were for supporting Government, I was surprized to heare that their few friends had voted in the Assembly in that matter for sums and times differing from the rest and one another, which made all their votes of noe use towards the passing of the Bill, But, what was more notorious, upon the passing the Militia Act, the Quakers, as their Custom is, left the House that the Bill might pass without their voting in it, But the Councill party there voting against it, the Votes fell to be equall, upon which one of the Quakers returned to the House, ask't how the Votes stood, and, being told they were equall, he said he knew the meaning of that very well and voted for it, by which the Bill was carryed.

Their method of proceeding in relation to Bills was at first rejecting them on the second Reading, and at last when prevailed with to commit them, they either reported them without amendments, and soe rejected them, or clogg'd them with such as made it impossible, or at

least very improbable they should pass the other house as perticularly in the Bill declaring all Laws past in England against corruption in the Courts of Justice to be of force in that Province, they added a clause enacting the Protestant Succession Rights of the Church &c This howev^r they were ashamed of and the Councill disagreed with their Committee being told that that amendment was foreign to the title of the Bill, and that it would sound very oddly in England, that wee should imagine that the Protestant Succession wanted any further sanction here.

Much time was spent in Councill in Cavilling and wrangling on matters fforeign to those before them, some time in indecent reflections on the memory and conduct of a person of honour deceased, frequently to that degree of heat that I was obliged much against my nature to exert the authority I am cloathed with, to keep them to order and rules, these disputes were cheifly managed and promoted by Collonel Cox,[1] who, as I am informed, is going for England, I hope he will and then your Lordships will better judge how fit a person he is for a Councill Board.

I protest to your Lordships in the sincerity of my heart that I have noe ends to pursue but Her Majesty's service, That I have noe personall dislike of any man, That I have avoided party prejudices, and have acted by noe passions in any part of my administration, which emboldens me tell Your Lordships, that unless Her Majesty be pleased to remove from Her Councill in the Jersey's William Pinhorne, Daniel Cox, Peter Sonmans,[2] and William Hall there are noe hopes of peace and quiet in that Province, Collonel Townley is since dead, Huddy a weak man led by the rest, M^r Mompesson joyned with them in most matters, being son in law to M^r Pinhorne and tack'd to them by that fatal address, Col. Quary, thô unwarily link't to them by the same chaine, has behaved himself most worthily for Her Majesty's interest at this time.

The state of the Question I humbly conceive to be this, whether these Gentlemen shall be continued in their places, which are indeed a trouble and expence to them, and for which they can have noe reall inclination, as matters stand, but to gratify their passions, and, by that means, the confusion here be perpetuated, or that they be removed and others put in their room to the entire satisfaction and perfect settlement of the minds of the people in that province, For let who will governe unless he doe it by will and pleasure, I'le be bold to affirme he can effect nothing to purpose, whilst these Gentlemen are in the Councill, and I can promise in the name of the people that nothing shall be wanting hereafter, as farr as their ability will goe which may be judged necessary for Her Majesty's Service, if they are gratifyed in this particular.

[1] Colonel Daniel Coxe was son of Daniel Coxe, M. D., of London, the proprietor and for some years Governor of West Jersey. After the re-sumption of the Government by the Crown, Colonel Coxe was member of Lord Cornbury's Council; in 1716 Speaker of the Assembly; and Associate Justice of the Supreme Court of New Jersey from 1734 to the time of his death. He is known, in American Literature, as the author of "A Description of the English province of Carolana, by the Spaniards called *Florida*, and by the French *La Louisiane*," which was published in London in 1722. Though the work itself is considered a crude performance, the preface to it is remarkable as developing, at considerable length, and with great force of argument, a Plan for the Confederation of all the North American Colonies, in which, says Grahame, we behold the germ of that more celebrated, though less original project which was recommended by an American Statesman (Franklin, at Albany), in the year 1754, and which, not many years after, was actually embraced by his countrymen and rendered instrumental to the achievement of their Independence. Colonel Coxe died at Trenton in May, 1739, in the enjoyment of the confidence and respect of the community. *Field's Provincial Courts of New Jersey*, 136.

[2] Peter Sonmans was a native of Holland, and son of Arent S., one of the twenty-four proprietors of East Jersey. He had been educated at Leyden, and held considerable offices under the Prince of Orange, after he became William the Third. Having succeeded to his father's estates he became a large proprietor in New Jersey; was Surveyor-General for four years, a Member of the Council, a Judge of the Court of Common Pleas, and represented the county of Bergen in the House of Assembly. *Ibid.*, 84 —Ed.

For this purpose I send Your Lordships a list of the names of Eight persons for Her Majesties Councill in the Jersys, that out of them Your Lordships may choose a number to supply the place of such as you shall think good to remove.

In the Western Division

John Hambleton Gen^{ll} Post Master.
Thomas Byerly Collector and Receiver Generall of New York, and a Proprietor of the Jerseys.
John Reading Proprietor and Clerk to the Councill of Proprietors.
Robert Wheeler a very honest substantiall Inhabitant at Burlington.

In the Eastern Division

David Lyell a Proprietor.
John Anderson, William Morris, Elisha Parker } Wealthy honest men.

Your Lordships will also receive with this a Bundle mark't D containing Representations, Petitions and Affidav^{ts} against these Gentlemen of the Councill and the Secretary of the Province with some of their answers which to me appeared trifling and Evasive, and if Your Lordships take the trouble to read them I beleive you will be of the same opinion, As to the Secretary Ile say no more of him than this, that if there be any credit to be given to the universall report of mankind there lives not a more corrupt man upon the earth than he; I received an address of the Assembly against him markt E. in the afore mentioned Bundle D of which I gave him a Copy, sometime after I received an Address frome these gentlemen of the Councill in his favour as you will find it in the separate Minutes of the Councill Page 2^{d} to which I replyed as in the third; towards the close of y^{e} Sessions hee gave mee his answer mark't ff in the Bundle D: There is no man thinks himself safe in his property whilst he is in his office, for few or none will venture Deeds in his hands to be Recorded; It is a place of honour, trust and emolument, and deserves the service of a better man.

You have also in the bundle D an abstract of a long Representation of the Assembly, relating to the State of the Province, it has been printed without my knowledge for which reason I seiz'd, in the Printing House, all the Copies, and suppress'd them; The Preamble containing a series of Reflection of past miscarriages and the administration of a person of Honour, heretofore in the Governm^{t}.

The Acts past by me that session are as followeth.

An Act for support of Her Majestyes Government of New Jersey in the Bundle G as are all the others.

Your Lordships will observe that the supply is given in the manner it ought to be, but by their Resolves, The Salaries of the respective Officers of the Government are but small, which I hope to have remedyed next time.

An Act for amending and explaining An Act of Generall Assembly of this Province, entituled an Act for the Currency of Bills of Credit for £3000 The mistake mentioned in the Preamble of this Act, which obstructed the Currency of these Bills struck for the Expedition against Canada, are occasioned by the decease of one of the persons appointed to sign and issue those Bills, the two surviving persons, not thinking themselves sufficiently authorized to

doe it, chose one of the managers named in the Act for that Expedition to joyne with them in signing the said Bills; when, with much difficulty, wee had got this Bill committed, which was only intended to make good the publick credit, M^{r} Sonmans said in the Committee that they might enact what they pleased, noe man should force him to take y^{m} in payment: being tax'd with this Expression in Councill hee answered that noe man could force him to take silver money in payment, if he had a mind to forgive the Debt, this inclined the Councill, some of them having of these Bills in their hands, to add a clause declaring the tender and refusal of such bills legal payment of all debts for the value. The Assembly disagreed to this amendment. The Councill was told that if they adhered the Assembly would upon a Conference agree, being since better Informed, but for that very reason they departed from it, which I am afraid will prove a very great hindrance to the currency of these Bills.

An Act for reviving the Militia Act of this Province.

Your Lordships will easily observe the mistake committed in the title of y^{e} Act, Reviving an Act which was not to expire 'till about a month after, soe there was an amendment offered in Councill to the title. These gentlemen said it was irregular to amend the title of an Act. It was replyed it might be soe but they did not always think soe, for but a few days before they had made an amendment to the title of an Act, which was agreed to by the Assembly, but they could not be persuaded to doe it, soe I was forced to take it with this blunder or loose it.

An Act for reviving and continuing the Courts of Common Pleas in the County of Glocester.

This is an Act of course which Your Lordships have had frequently before that Court, being often discontinued for want of Justices.

An Act for enabling the Owners of the Meadows and Marshes adjoining to, and on both sides of the Creek, that surrounds the Islands of Burlington to stop out the tide from overflowing them.

This is an Act for the benefit of the Owners, and to noe mans prejudice.

I am commanded by Your Lordships in Your last to me to send you my observations on the Acts past in Jersey, during Coll. Ingoldsby's Administration.

The first is an Act for explaining and rendring more effectual an Act for support of Her Majesty's Government of Nova Cæsarea.

This Act instead of explaining the other or making it more effectuall indeed destroys it for it gives six hundred pounds of the Eight grant^{d} by the former Act to the Lord Lovelace, to the Lieuten^{t} Governor Collonel Ingoldsby, who was already provided with a Sallary by that Act. In the former Act the money is directed to be issued by Warrant signed by John Lord Lovelace in Councill, where it is indeed defective, had they explained it by adding the words or the Cômander in Chief for the time being, the title and Act had been of a peece, for this was most certainly the meaning of that Act whatsoever the Letter may import, and should Her Majesty approve the form^{r}, as I am apt to beleive she will, and disapprove the latter, there appears to be a necessity still of an Explanatory Act, for the reasons above mentioned, thô I am afraid to little purpose, for the behoof of that Lord's family, Collonel Ingoldsby not being able to repay what he has had, and I beleive others have had their share of that sume, being led to that beleif by a story which I must entertain your Lordshipps withall, and which I had from some of the gentlemen concern'd.

Whilst that Act of Collonel Ingoldsby was in deliberation before the Councill, they thought that since such a sume was given to him for support of Governm^{t} they had a just title to a share of it, soe before they would agree to pass the Act they were promised each a peece of

plate. In this last Session whilest the Councill had under consideration the Bill declaring the printed Copyes of the Acts passed in the Lord Lovelaces time of the same validity as if the originals had been duely in the Secretary's Office, These gentlemen thought it a proper season to put Collonel Ingoldsby in mind of their Tankerds, Hee at first huff'd and called names, soe that at that time the bill had like to have passed, but afterwards they came to a better understanding, and our Bill was lost. In a word my opinion is that the passing of this Act will not only be an encouragement and Precedent for appropriations for the future, but lead them into a way of shifting and altering their owne appropriations at pleasure.

The second is an Act for ascertaining the place of the sitting of the Representatives to meet in general Assembly,

This Act is possitively against Her Majesties Instructions, directing that the Sessions should be alternately at Amboy and Burlington, founded as I have been told upon the Concessions of the Crown at the surrender of the Government.

I have formerly given Your Lordshipps my opinion in this matter, and acquainted you with the expedient I had found to compromise it, but if there be a necessity of another Assembly before I receive any directions from Your Lordships in that matter, I beleive I shall call them to Amboy, This Act being as I conceive, of an extraordinary nature, and contrary to Her Majesty's Instructions and consequently of noe fforce untill approved of by her, and may goe a great way in making the breach wider, between the two Divisions.

The third is an Act for building and repairing Goale Houses.

This Act gives a power to a few to assess and leavy money at discretion, There is indeed a clause which makes them accountable, to the Justices and Freeholders when called thereunto, but noe penalty appointed; By vertue of this Act they have designed a Court House in the remotest Corner of the County of Monmouth, which will be a great tax upon the people of that County, and was meer party pique.

The fourth is an Act for the better qualifying Representatives.

This was levelled particularly against Captaine ffarmer and Doctor Johnston men of the best Estates and ability in this Province, and who have been very active and usefull in Her Majesty's Affaires, and may deprive us of more such, and is contrary to that Constitution of Assembly appointed by Her Majesty upon the surrender & confirmed by all her subsequent Instructions, obliging the elected to an actual residence, whereas the Instruction mentions noe other qualification but an Estate to a certaine value within the Division.

The fifth is an Act for dividing and ascertaineing the Boundaries of all the Counties in this Province. The inhabitants generally complaine the Countys are not equally and justly divided, perticularly the Inhabitants of Middlesex, are obliged to travell twenty miles through the County of Somersett to repaire High wayes, which ought properly to be the charges of the Countyes of Somersett and Monmouth, that part of the County of Middlesex being a narrow slip of Land between the Boundaries of those two Countyes, And all publick Roads are repaired with greater ease and less charge by the neighbourhood.

The sixth is an Act for ascertaining the Representatives ffees.

In this Act by mistake or designe of the Clerk, the words p^{r} diem are omitted, soe that they were entituled to noe more than five Shillings in the whole for their service, but that being remedyed in the present Act, for support of Government, that Act is of noe use.

The seaventh is an Act for regulating ffences.

I have heard the men of Estates and such as are possessed of large Tracts of Land, complaine much of this Act, as putting them upon a Levell with those who had little or none at all, nay rather in a worse condition because having larger tracts of land they have greater numbers of cattle, but cannot reap the benefit of their own pastures. their Neighbours Cattle having graised them before, And by this Act they can Impound noe Cattle, but such as break into their Fences. Whereas in many other cases there is a necessity of impounding those that tresspass upon their other Lands.

The eighth is an Act for amending the Act for preventing Swine running at large.

The Act mentioned to be amended was thought a very good Act for y^e^ Country, for Swine runing at large is very pernicious to their corne, pasture, meadow and wood land, and occasions a great consumption of timber in making ffences to guard against them, soe that noe penalty can be too great for restraining them, neither will the value of the swine pay the Dammages those creatures commonly doe of which itself they are debarred by this Act, and have noe Recompence left but the pleasure of killing of them, with the trouble and charge of finding out the owner, which perhaps lives at ten or a dozen miles distance.

The ninth is an Act for regulating of Stone horses or Stallions that run at large.

Some complaine of it, but I can see noe harme in it.

The tenth is an Act for reviving and continuing the Courts of Common Pleas in the County of Glocester.

Your Lordships have already heard the meaning of that Act.

These are the objections against these Acts, which occur to me, your Lordships are the best judges if they are of validity enough for a Repeal.

Before I leave the affaires of the Jerseys I must begg leave to acquant your Lordships with some few things necessary for your notice.

As the Supream Court is now constituted all the Councill are Judges Assistants by which means the benefit of appeals may be lost, for it may soe fall out that soe many of the Counsellors may be upon the Bench, as not to leave a quorum for the Councill in case of appeale, seeing none that have any voice in the judgment by the Instructions are permitted to vote in the appeale.

I thought it necessary to acquaint your Lordships with this matter beforehand, because I beleive I shall be under a necessity to alter the Constitution of that Court, by assertaining the number of the assistants.

In both Provinces I have been pelted with Petitions for a Court of Chancery, And I have been made acquainted with some Cases, which very much require such a Court, there being noe reliefe at common Law, particularly one of M^r^ Provost, one of the Councill of New York, who has been close prisoner almost ever since my arrival here having unwarily confess'd Judgment for four thousand pounds, tho' the Reall Debt is evidently not above four hundred. I had ordered the Committees of both Councills to forme a scheme for such a Court but to noe purpose, the trust of the Seales, they say, constitute a Chancellor and unless the Governor can part with the Seals there can be noe Chancellor but himself, I have already more business than I can attend to, besides I am very ignorant in Law matters, having never in my life been concerned in any one Suite, Soe I earnestly begg your Lordshipps directions, as to that Court.

M^r^ Mompesson finding himself obnoxious to the generality of the People of that Province desired to be excused serving longer in the station of Chief Justice, soe I have supplied that place with one M^r^ David Jamison, who acted formerly here as Secretary in this Province with great applause, and is a Man of knowledge and Integrity.

Your Lordships will have the trouble of a shorter but sadder account of the affaires of New York, being detained in the Jersys much longer than I expected I was oblig'd to prorogue the Assembly of New York w^ch^ should have met the first of March to the third of Aprill, finding the Members came but slowly to town I further prorogued them from day to day 'till such time as the Speaker acquainted me they were a House, then they adjourned themselves waiting for their absent members. When I was informed that there were fourteen of the two and twenty assembled I sent for them and spoke to them as in the Minutes of Councill page 5.

Sometime after that the Secretary by order of their house laid the Record of my Patent before them, and some time after they sent me a message by two of their members desiring I would communicate to them such Instructions as I had relating to my doeing Acts of Government, whilst out of the Province; I sent them your Lordships opinion in the following words.

The Earle of Clarendon having informed us that an opinion had lately been started in his Governments Viz^t^ That if he send any orders to New Jersey relateing to the affaires of that Province, whilst he is a resident at New York, they are of noe fforce, and the same of his sending orders from New Jersey to New York; Wee think it necessary to acquaint you that it is a very groundless and unreasonable opinion &^c^ As in your letter to me dated the 23^d^ December 1709.

I sent them likewise the Instruction by which the President is entitled to halfe of the Salary and perquisites only when I am absent from both Provinces; The Speaker told me the house was of Opinion, that they were dissolved by Prorogueing them whilst I was in the Jerseys. Besides what is contained in this Letter of Your Lordships I represented the unreasonableness of insisting upon it now, seeing it was an Opinion started at first by the People of Jersey who had willingly acquiessed in Your Lordship's decission, And that they themselves had formerly met without scruple upon such Prorogations, and besides that, in my Opinion they had now put it out of question having for a ffortnight together acted as a house, adjourned themselves by their Speaker, sent several messages by their memb^rs^, attended me in Councill as a house, and he, as Speaker, there received from me what I had said to them that this procedure could be look't upon noe otherwise than their assumeing a power of dissolving themselves at their pleasure; Sometime after the Speaker came to me to lett me know that they had resolved, by a great majority, to goe home about their bussiness, and advised me to dissolve them, I told him I would advise with the Councill and he should hear further from me next morning. The Councill were of opinion that it was more expedient to dissolve y^m^ than to suffer them to dissolve themselves, soe I sent for them, and haveing spoke to them as in the tenth page of the Minutes of Councill, I dissolv'd them.

Now, MyLords, what course to take in such a juncture I know not, the Officers of the Government are starving, the Forts on the Frontiers in ruine, the French and French Indians threatening us every day, noe publick money nor credit for Five pounds on the publick account, and all the necessary expence of the Government supply'd by my proper credit, particularly ffire and candle and repaires for all y^e^ garrisons, and noe hopes that I can think of for any remedy here, ffor as to the calling of a New Assembly, I shall either have all the same members, or such others who will returne with greater ffury. The Resolutions of putting themselves on the same foote with the Charter Governments being too general to be allayed by any measures that can be taken on this side, I would faine hope that the next Pacquet will bring us some Releif in Her Majesty's Resolutions with relation to this Government, ffor without that you must expect to hear of nothing but confusion.

I must repeat my Instances for your Lordships' intercession with Her Majesty, that my Salary and the expence of ffireing and Candle &c for the Garrisons which has cost this last year above four hundred pounds may be paid out of the sumes in the Collectors hands here arriseing by virtue of Acts of Parliam[t] for my credit is run as low almost as that of the publick.

I send your Lordships inclosed the Acts past the close of the form[r] Sessions as in the Bundle H.

The first is an Act to prevent the burning of Woods which signifyes but little in itself. But was all wee could bring them to; the Act of Parliament is of more effect for restraining that abuse.

The second is an Act for repairing the Block Houses, Platformes and other the Fortifications of the City of Albany and Town of Schinectady in the said County.

This Act was promoted at the desire of the Inhabitants of Albany and Schenectady who lye nearer the danger, and soe are more sensible of it.

The Third is an Act to collect the Arrears of Taxes. which wants noe remark.

The fourth is an Act to enable the Precincts of Islip in the County of Suffolk to elect two Assessors, a Collector, Constable and Supervisor.

This is an Act meerly in favour of the Speaker of the House. I know not whether Your Lordships will approve my good nature in passing it after the treatment I had met with.

The fifth is an Act to retrench the growing interest of Bills of Credit.

The Bills of Credit issued by vertue of the Acts of assembly mentioned in this Act carrying a considerable Interest, induced those who received them to keep them up, whereby the Intent of the Assembly was frustrated, so that this Act was pass'd to prevent any further increase of Interest.

Your Lordships will observe in the close of this Act a Clause very fforeign to the title and intent of the Bill, But they meant it as an amends for the abuse put upon the Governor and Councill in their other Bills, where they made the Treasur[r] only accountable to themselves; which Acts however did not pass because they would not admit of that amendment.

M[r] Mompesson the Cheif Justice of this place, is in such necessitous circumstances that it wants a vertue more than human to guard him against the temptation of Corruption; ffor which reason I must intreat your Lordships to recommend him to Her Majesty's favour, for the salary formerly paid in England to the Cheif Justice here. He is a person of abillity and great knowledge in y[e] Laws.

What I have to add your Lordships will read with more satisfaction. I have now settled all the Palatines on both sides Hudsons River, opposite to one another, on good lands adjacent to the Pine Land. I gave Your Lordships in my last an Account of the purchase of Four thousand acres of land for her Majesty, her heirs, and successors, for that purpose, from M[r] Levingston, for Two hundred sixty six pounds thirteen shillings and four pence sterling. The small tract on the East side in the Queen's gift, being not sufficient for settling the remainder, I have taken for that purpose an adjacent tract, belonging to M[r] Thomas Fullerton who is now concerned in her Majesty's Customes in Scotland, who has by hisletter of Attorney given me power to dispose of the same, Which tract contains about Eight hundred acres of very good land, which will cost more in proportion than the lands purchased of M[r] Levingston, he reck'ning the neighbourhood of that people more than half the price, M[r] Fullerton reaping no benefit from that scituation, If I find them streighten'd in ground I shall endeavour to find more

in the neighbourhood at easy rates, for I find the extent ground a great encouragement to the people.

I have met with great opposition from many of the ill disposed Inhabitants, who dayly insinuated that there were better lands for them on the Fronteers and that they were ill used in being planted there; being informed from all hands that these suggestions had been of fforce enough to make the people idle and backward, and something worse, on my returne from the Jerseys I visited them againe, having remained some dayes amongst them, to appearance convinced them of the ill intentions of those y^{t} had misled them, that they could not follow the work they were destined for, there being noe pine on these lands on the Fronteers, which they had a mind to, besides they must lay their account of labouring there as the Israelites did of old, with a sword in one hand and the Axe in the other; having by these meanes to my thinking quieted them I left them, but was overtaken a few miles off by an express which acquainted me that they had been in a mutinous manner with their Officers, declaring they would not settle these lands but would have others, upon which I returned and ordered them to send Deputies from each village next morning with their demands, but they then came in a body, and when I found I could prevaile little with reasoning, and was thinking of some more effectual method to keep them to their duty, I ordered the contract which they had all signed to be read to them in High Dutch, and asked them whether they were resolved to keep to the termes thereof or noe, that I might take my measures accordingly: After some small deliberation they returned me for answer, that they were resolv'd to keep their Contract & would for the future be directed Intirely by me, Soe wee parted good ffriends. Soon after that I had advice from their Officers of the wonderfull change of the people's inclinations and conduct, as your Lordships will be better informed by the two Inclosed French Journalls.

The season draws near when they are to be imployed in the preparing the Trees; I have wrote for M^{r} Bridgier who has been in New England ever since the last ffall, but was unwilling to trust this matter intirely to him, not being thoroughly convinced of his ability, by accounts I have since had from New England, and very little of his good will, by his last letters, which denote a greater attention to his private profit than the Publick Service. Soe I have provided another here, by name Sackett, who hath lived three years in the Easterne Countries among the manufacturers of Tarr, and gives a very rational account of the method of preparing the Trees, I have also wrote to Conecticut for two more, who, as I am informed, understands y^{t} matter very well.

I informed your Lordships formerly how I was disappointed in my hopes of naturalizing that People here, by an Act of Assembly; I then thought I might have remedyed that by granting letters of Denization, but finding since by the Minutes of Councill, a letter from Your Lordships to the Earle of Bellamont, Dated the 16th of February $\frac{1}{1}\frac{6}{7}\frac{9}{0}\frac{9}{0}$ Prohibiting him to grant Letters of Denization, unless expressly order'd by his Commission, which was likewise sent to all the Governors in the Plantations, I am likewise deprived of that meanes and must rely on such orders as her Majesty shall be pleased to send for that purpose.

I hope your Lordshipps have by this time dispatcht M^{r} Du Prey back to me, for untill he comes I shall be at a loss to finish the Accounts for the time past, I shall in the meane time draw upon the Lords of the Treasury for such a sûme as is absolutely necessary for their current subsistence, the money first paid being long since expended, and noe returnes of the Bills I drew on their Lordshipps last ffall. I have been obliged to make use of all the credit I could possibly gett for their subsistence hitherto. I must intreate your Lordships recommendation of a Ready complyance with these Bills, upon which the success of the whole Depends.

I ought to ask pardon for soe long a Letter, I wish I had known how to have made it shorter, but I am desireous y[t] nothing should be kept from Your Lordships knowledge of my administration, whilst I have the honour to serve Her Majesty in this Governm[t]. I am with the deepest regard, My Lords

Your Lordships most humble
& most obed[t] serv[t]
Rob[t] Hunter.

New York
7[th] May 1711

Mr. John Cast to Governor Hunter.

[TRANSLATED FROM THE FRENCH.]

[New-York Papers; Aa: 35.]

My Lord

March 13. Your Excellency will, probably, expect to learn how the people behaved after your departure. This is what I have been desirous to communicate by these lines, by informing you — Well, as we could desire, and as satisfactorily as before they had given dissatisfaction. May God continue them in the same sentiments!

14. The day after Your Excellency left, those of Queensbury, previously the most perverse, came to tell me that they were willing to take the remainder of their share of the Salt-beef, which they hitherto hesitated to accept; and that they had got the people to submit to the direction of the Overseer of the village, which I have never yet been able to effect.

Whilst thus occupied, a great many of the settlers came from all the villages to receive the tools that had been sent from New-York; they all, without exception, evinced a modesty, civility and respect which surprized, as much as it delighted, me. They have all exhibited equal readiness to clear and prepare their gardens, and have invited me to spend a week with them.

On the other hand, Mr. Levingstone has sent his son, the Surveyor, to the village of Annsbury to work; Mr. Meyer has gone there also.

15. Mr. Blagg informs me, that he has distributed the tools I had given him, and has commenced with Georgetown, whereat those of Elizabethtown murmured; I sent them word that they shall have their share out of the first lot that will be received, and gave them 12 pieces more than Your Excellency ordered me, in addition to what some have received from me individually, from time to time, when they came here to solicit them. The people of Elizabethtown tell me that their comrades are setting about clearing and preparing their gardens; that nothing more is heard about moving elsewhere. They also say that Gerlach[1] manifests regret at his dismissal. To console him somewhat, I sent him word that Your Excellency is willing to place him here, and that nothing will prevent this but the apprehension that he will fall into the same accident on this side; that he must tell me his opinion thereupon, when we shall see what can be done.

16 More people arrived from all the villages; some for beer, others for bread, and a third portion for salt beef; others for hoes, instead of grubbing hooks. I have satisfied

[1] Captain John Christopher Gerlach. — Ed.

them all, as far as I was able, putting the rest off till the arrival of the first boat. All these have exhibited the same deportment as the first mentioned. To satisfy those of Elizabethtown, I gave them hoes, the same as to the people from this city, as I have some still remaining, to enable me to do so.

Mr. Levingstone has been constrained to recall his son from Annsbury to conduct back the French officers, returned from Boston to Albany, one of them having fallen sick at our place.

The Surveyor informs us that the people of Annsbury evinced much eagerness for their lots, that many of them have exchanged with their comrades on account of the proximity of their huts; that the survey amounts to 65 lots, and the village to 63 families; that Wormbs died this morning of a retention of urine, and pain in the belly. I shall see what answer Gerlach sends to my letter; if he be disposed to succeed Wormbs, and Your Excellency consent, I shall accordingly present him to the village *(Communauté.)*

According to the deposition and description of the mark Gerlach has on the back, it is a mole of the size of a cherry, rising from the body like half a cherry, of a very brown color, with a pretty thick hair growing from its centre. Whence it is evident that he is only *pigeassé.*

17. To day whilst receiving their bread, the people of Annsbury generally ask me for grubbing hooks and spades; I put them off until the arrival of the first sloop; meanwhile they take hoes; which I do not refuse them, but request they would not strain them, not being at all adapted to cut roots.

The whole of this Journal, My Lord, will exhibit the present disposition of the people better than any opinion I could give. These particulars also show Your Excellency my wish to receive tools first of all, more seed, especially Flax seed, for these people are anxious to supply themselves with shirts, and evince this laudable precaution in addition to the gardens *(les herbages.)* I am, with profound respect,

My Lord,

Your Excellency's

Most humble and

Most obedient Servant

17th March. 1711.

CAST.

Mr. John Cast to Governor Hunter.

[TRANSLATED FROM THE FRENCH.]

[New-York Papers; Aa: 35.]

My Lord

The deportment of the Palatines continues the same as I had the honor to report to Your Excellency in my last. No person comes here except for tools, either for agricultural purposes, or for altering their huts into houses. After having distributed what I had, I put off the others until the first arrival from New York. Some ask for seed, so that the labor they have expended on their land may not be in vain. I give them to understand that the people of the country, not anticipating this demand for seed, will find it difficult to supply the requisite quantity; that the seed they have brought from Germany, London and even New York will possibly be

sufficient for this year, inasmuch as it is more easy for each one to find what he needs, than for us to lay up a supply for the entire people, in the distribution of which each takes what he does not require.

In other respects the people contemplate present settlement for a couple of years. They persuade themselves that Canada will be taken this campaign, and that upon the conquest of that country, as a security for their settlement, they will be established on the lands destined for them. In this opinion they are confirmed by the reports of those who have wintered at Albany; who say, that the inhabitants up there are accordingly very apprehensive of losing the profit they derive from the Indians, and the hay they annually cut on said lands.

Some days ago, five Palatines were sitting around the fire conversing on the prospect of their settlement. They all agreed, that the selection of the Levingston lands was well planned—that their situation between New-York Sopes and Albany was very convenient; that the proximity to the river is of great advantage, and that the exemption from the fear of enemies affords peace and a home to their families. But the desire to possess a good deal of land upset and demolished, in a moment afterwards, all these advantages. The more moderate and sensible, to remove this, said to them—

What, if, in return for all your pretended rights, the Governor will not give you any other lands than those in the rear of our villages, and be determined that we pass our whole lives here? What can you then do? Nothing, continued the same man, but draw down by the displeasure of the Governor, evils we do not experience here, and deprive ourselves of the good we now enjoy. For in fine (he continued) as it is our duty, and we must absolutely work for the Queen, it cannot be otherwise than that Her Majesty will put us in a position to earn our bread; for she will not keep us always in this way.

Earn our bread, said another. We came to America to establish our families—to secure lands for our children, on which they will be able to support themselves after we die; and that we cannot do here. What is to be done in that case but to have patience? replied the first. "Patience and Hope make fools of those who fill their bellies with them." Whereupon the whole five burst out a-laughing and changed the conversation.

I asked Mr. Kocherthall in what way his people behave? He tells me all are at work and busy, but manifestly with repugnance, and merely temporarily—that the tract intended for them is, in their minds, a Land of Canaan—they agree, that it is a very dangerous place to settle at present, and for this reason it is that they are willing to have patience here for a couple of years. But they will not listen to Tar making. He thinks this repugnance can be overcome, as was that to cultivate their gardens; and that the future will furnish with difficulty what the present time would have easily guaranteed, did the people conform to the intentions of their superior.

I have considered it my duty to give Your Excellency communication of all that precedes, for your information. I have no other object in the world, for the remainder of my days, than to serve faithfully, disinterestedly, impartially, without seeking any other *Meum* than what can be useful to your Excellency. God preserve me from painting the people in blacker colors than they deserve. But in drawing their portrait I have avoided flattery also. I consider it of the utmost importance to avoid the one and the other. Thus, by reporting purely and simply what occurs from day to day, whether good or bad, Your Excellency will be able to infer what is to be hoped and what is to be feared.

After the change which has just taken place among the people, I have remarked further, that many heads of families are solicitous for a better form of Magistracy. They frankly say,

our affairs will never prosper as long as we are our own masters; each follows his own evil inclinations, and if there be no bridle to act as a check, the man who is well to do will be forced and constrained to defend himself, and to go constantly armed to his work.

Not only is each emulous to be the first to finish his garden, but likewise eager to work so as to be no longer dependent on the inhabitants of the country. For they openly confess, that they have learned sufficiently by experience, that not only do the settlers want to accustom them to work for their daily food, or at most for a little provisions extra, and [but] have reason to be jealous of their settlement, inasmuch as they see themselves already obliged to lower the price of their articles *(ouvrages)* in order to retain customers. The mechanics among the Palatines understand this so well, that they do all in their power to set themselves to work, and we assist them as far as our means permit. It is the agricultural portion of them alone that contemplate the possession of a large quantity of land; these however form the mass of the people to whom I should wish to give occupation after their gardens are completed. It is impossible that they can all find employment among the farmers. At New York, force had to be used to make them cut wood for a shilling a cord, with 1s. a week for butter and salt. Here they are mighty glad to labor for 1s a day. Thus doth folly change with circumstances.

The people, especially those of Queensbury, perniciously abuse the favor Your Excellency extended to them, by saying, If any one happened to have a spot unfit for cultivation, let him have another. Seven belonging to Queensbury have, of their own authority, appropriated other places unto themselves, fell into dispute about them, and two of them have fought each other with axes. The Overseer of the village demands that they be punished so as to prevent other similar assaults. To do what I can, I am this moment on the point of setting out with the Surveyor to examine the lots and the cause of the dispute, in order to stop the quarrel and apply a remedy to these abuses.

I have drawn up the necessary notices for the dissolution of the two Marriages mentioned by Mr. Hayer[1] to Your Excellency, and have presented them to Mr. Livingstone who says, he is not a Magistrate of that country where the Palatines live, that his jurisdiction is between his Manor and Albany, that application must be made to Mr. Dirck Wessellse ten Broeck. The interested parties desiring the prosecution of these proceedings, I shall address myself accordingly, without giving any explanation for fear of displeasing the honest people, and affording greater encouragement to the wicked in their wickedness; for the good are a long time wishing for the establishment of an effective police which they do not find in the person of an absent judge.

Mr. Wagner whom I deputed to present Captain Gerlach to the people of Annsbury in place of Wormbs, deceased, informs me that they absolutely refuse him as Captain; in fact he immediately returned to his village without pretending any thing. The people of Annsbury since tell me that the majority of them belong to the New York company, and are thereby too much convinced of the malversations he committed in the distribution of the provisions, to wish to fall again into the same misfortune. Singular persistency in an accusation which has never lifted its head during his sojourn at New York.

I am with profound respect,
My Lord,
Your Excellency's most humble
and most obedient Servant
JEAN CAST.

March 27, 1711.

[1] Qu. Rev. John Frederick *Heger?* He was one of the Palatine clergymen. — ED.

Governor Hunter to the Lords of Trade.

[New-York Entries, H. 385.]

To the R^t^ Hon^ble^ the Lords Commission^rs^ for Trade & Plantations.

My Lords

After having finished my letter, last night arrived our third Packett Boat which brought me the honour of Your Lordships of the 29^th^ of January. I know not by what mistake that paper which relates to my conference with the five Indian nations was left out of the Packet sent to Your Lordships by the Mast Fleet, but you will receive it with this mark't J. P.

As to what relates to the ord'nance for establishing Fees it is impossible I can give Your Lordships that satisfaction I would by this Packet, it being to sail in a few houres, only I think it necessary to acquaint your Lordships that the Table of Fees in 1693 was never establish'd by an ordinance, only a scheme sent from the Assembly to the Governor and Council, and never by them approved, altho' printed; soe that the Committee of Councill appointed to forme this ordinance took little or noe notice of that scheme, it being very defective; all that I find concerning it is an order of the House of Representatives of the 20^th^ of September 1693. in these words

The House of Representatives for their Majesty's Province of New York doe order that this Catalogue of Fees be sent up to the Governor and Council, praying his Excellency that he may establish the same, and Alsoe an order in Council of the same day in these words, Ordered, Coll Stephen Cortland, Coll Nicholas Bayard, Chidley Brook Esq^r^ William Nicholl, Esq^r^ and William Pinhorne Esq^r^ be and they are hereby appointed a Committee to consider of, and regulate, the Table of Fees, but I do not find that any thing further was done in it: I shall be able to give Your Lordships by the other packet (which goes in a ffortnight) a more perfect account of that matter, and comply with your Lordships' orders in comparing the two Tables and making remarks upon the Variations.

As to what your Lordships write concerning the Act past in the 3^d^ year of King William and Queen Mary for allowance to Representatives, I am sorry to find that it was confirmed, which I did not know before, and now can propose noe Remedy.

I have nothing more to add but I waite with great Impatience for Her Majesty's Resolutions in relation to this Government, For after what Your Lordships have heard you will easily be convinc'd there is nothing to be expected from an Assembly. I am with all due honour

My Lords,

Your Lordships' most humble
and most obedient Serv^t^
Rob^t^ Hunter.

New York
7^th^ May 1711

Conference of Governor Hunter with the Indians.

[New-York Papers; Aa., No. 52.]

Att her Majes Fort at Albany 7 Aug: 1710.

PRESENT—Coll Pr Schuyler, Captn Myndt Schuyler
Collo K Van Renselaer, Robt Livingstone Sêcry for Indian Affairs

Interpreted by Captn Johs Bleecker

Some of the Sachems of ye five nations & river Indians particularly those lately Come from Great Britain, waited upon his Excellency Robert Hunter Captn Generall & Govr in Cheife &c as soon as he came on shore, and told his Excellency that they heartily congratulated his safe arrival, and thankt God that he had been so mercifull to send him safe to them, bidding him heartily wellcome, & that all ye Sachims were not yet come, yet they could not be wanting in their duty to waite upon his Excellency and acquaint him of their great joy for his safe arrival and presented him with a black otter.

The said Sachims doe humbly request in regard many Indians are suddenly expected, that he would be pleased to prohibit the selling or giving of any rum, strong drink, wine or beer upon very severe penaltys, because many mischeifs doth ensue upon the selling of rum or any other strong drink to the Indians

His Excellency told them he was glad to see them, & they might be assured of her Majesty's Countenance & Protection which he was directed by the great Queen of Great Britain, to signify to them, and would give the necessary directions for ye prohibiting ye selling of Rum or any other strong drink, and told them also that he would do any thing that might tend for their future welfare & Incouragement

The Sachims thank't his Excellency for his Condescension in graunting their request, and are emboldd to ask one favor more, which is that the old Sachims, when they come to Schinnectady may have waggons to bring them to Albany wch his Excellency was likewise pleased to graunt for which they were very thankfull.

The said Indians prayed that during their Stay provisions may be ordered more largely, for the allowance they had had hitherto before his Excellencys arrivall was very Scrimp

His Excellency told them he would give directions that they shd be taken care of and victualled as well as ever they had been formerly.

ROBT LIVINGSTONE Secry.
for ye Indian affairs

Schinnectady ye 9th August 1710

PRESENT—Coll Pr Schuijler, Myndr Schuyler
Collo Killian van Renselaer, Pr Van Brugh
Evert Banker, Coll Js Schuyler
Robt Livingstone Sêcry for Indian Affrs

The Interpreter Lawrence Clace being come from ye Sinnekes Country & ye rest of ye 5 Nations westward, doth relate to his Excelly Robt Hunter Captn Genll and Govr in Cheife what has occurred to him among sd Indians in ye 3 months that he has been from Albany

That being sent to y^e^ five Nations to watch y^e^ motions of y^e^ French & to perswade those Indians to give a free passage to y^e^ farr Indians through their Countrey to Come here to Albany to trade

It was[1] at Onnondage the 17^th^ July last when Mons: de Longuellée[2] & Mons: Jeunkeur y^e^ Interpreter and 10 other French with two Indians came thither from Canada, & made y^e^ following propositions to y^e^ Sachims of Onnondage 4 Sachims of Oneyde and y^e^ said Interpreter Lawrence being present

Children of the five nations

Some of our Indians lately came from your Countrey to Montroyall, Informed us that the English were designed to rendre[3] the Expedition against Canada and come to distroy Quebec Montroyall Troy River and all Canada, we are therefore sent by Onnondio our Gov^r^ to forbid you of y^e^ five nations to joyn with them upon any account whatsoever and if you do, we will not only come ourselves but sett the farr nations upon you to destroy you your wifes and Children Root & Branch, as for y^e^ English we regard them not in the least, we have had warr with them long enough & always prevailed, therefore we warn you not to engage in their quarrell, if you have any compassion for your Childrens Children then you must not assist y^e^ English upon any account, if you do we tell you plainly we must destroy you, being now ready and fitted for that purpose, therefore be quiett and sett still, for y^e^ English must not think to skare us by a faint of pretend^d^ Expedition by coming to y^e^ wood creek to eat biscuit there soaked in Stinking Water, sure y^e^ biscuit would eat as well at Albany as there the English have got nothing by itt but lost ground.

When y^e^ above proposition was made, the Sachims seemed to be divid^d^ in their opinions, and those Sachims of y^e^ French faction prevailing made their answer to y^e^ French agents without calling Lawrence Clase the Interpreter to be present, neither did he hear what answer they made, only the Sachims told them they would communicate their answer to the Governor of New York when they came to Albany

The Sachims told y^e^ Interpreter plainly that except the selling of strong drink be wholly and Soley forbid its impossible they can live in peace in their Castles, they will be necessitated to separate themselves & break up and be no more a nation, and all the 5 nations are of the same opinion, and some of the 5 Nations are resolved to go to Newyork to request the assembly to make a strickt law against it.

The said Sachims of Onnondage told him further, that they hoped the English would build a Fort and Garrison it well in their Castle, or where they thought fitt in their Countrey which would prevent all the French intragues, and desired they might have a Smith to mend their Arms at Onnondage and another at Oneyde

Rob^t^ Livingstone Sec^ry^
of the Indian affairs.

[1] *He* was. *Copy in New-York Colonial Manuscripts*, LIV.

[2] Baron de Longueuil, Lieutenant-Governor of Montreal. *Charlevoix.* [3] Renew. *New-York Colonial Manuscripts.* — Ed.

Propositions made by the River Indians & Skachkook Indians to his Excellency Robert Hunter Captn Genll & Governor in Cheife &c in Albany ye 11th Aug 1710.

Father Corlaer & Quieder

We are glad to see you here, ye Heavens were troubled before your arrivall, and ever since they have been claer and sarene, we hope it will be ever so during Your administration we do congratulate your safe arrivall among us did give a Bever Skin.

2 Father

I speak for our whole nation, we have always been faithful and obedient to this Government and desire yt the Covenant Chain may henceforth be kept brighter & clearer than ever, gave a Belt of Wampum.

3 We take the Freedom to acquaint our father, that we are affraid yt the enemy may annoy us, being bare and uncovered in the place of our habitation at Skaahkook, do therefore pray that you would grant us your fatherly protection, and build a Stockado fort there for our [security] gave a Beaver Skin & 4 Martins.

Propositions made by ye Sachims of ye 5 Nations viz: Maquaese, Oneydes, Onnondagues, Cajouges, & Sinnekes to his Excellency Robert Hunter Captn Genll & Govr in Cheife of ye province of New York. N. Jerseys & in the Citty Hall of Albany ye 13th August 1710.

PRESENT—Coll P Schuyler
Coll K V Renselaer
Maj Mynd Schuyler
George Clarke Esqre Sêcrey
Lt Coll: Jno Schuijler
Captn Pr van Brugh
Captn Evert Banker
Robert Livingstone Jr Recorder.
Robt Livingston Sêcrey for ye Indian affairs

Canachkonie Speaker.

Brother Corlaer

We were sent by ye Commissioners of ye Indian affairs to be here to attend your Excellency in 45 days, and are accordingly come at the prepared time[1] and are very glad to see your Excellency in health and that God has been pleased to preserve you from ye danger of ye Enemy & ye Peril of ye deep, the Sea being a turbulent Element not to be resisted, we had not ye happiness to see our brother wch the Great Queen sent last year, meaning the late Lord Lovelace, he was snatched away before he could have time to send for us, and since we are so fortunate as to see you now, we are thankfull to God Almighty for your preservation, and wish you all imaginable joy and happiness in your Government

His Excellency thank't them all for their kind Congratulations and told them that as he was sent by Her Majc of Great Britain to be Governor of this Colony for the welfare of Her Christian and Indian subjects so they may be assured of Her Majestys favor and protection,[2] so long as they shall continue faithfull and steddy to Her Government and keep true to their Covenants.

[1] *prefixed* time. *Copy in New-York Colonial Manuscripts*, LIV. [2] favour, *assistance* and protection. *Ibid.* — ED.

The Sachims of the five Nations made y^e^ following Propositions to his Excellency Robert Hunter Capt^n^ Gen^ll^ and Governor in Cheife & at Albany y^e^ 14^th^ Aug 1710.

Brother Corlaer

Wee are glad that God has been pleased to spare you from y^e^ dangers of y^e^ Sea in so long and Perillous a voyage, and that we See one anothers face in Peace we are necessitat to make known to your Excellency our Poor and mean Condition, occasioned by our people being kept all last year & last winter from Hunting to be ready on all occasions to assist our Brethren as well in the intended expedition against Canada as to oppose y^e^ French if they sh^d^ have offered to make any attempt upon this Government, and so have caught no Bevers or Peltry to Supply our necessity's, do therefore, pray that your Excell^y^ will be pleased to order, that our Hatchets Kitles and Gunns may be mended upon y^e^ publick charge, especially since this our Poverty has been occasioned merely by our obedience and fidelity to this Her Maj^ties^ Government, this supplication is made with a Sorrowful heart & with Tears in our eyes by all y^e^ five nations did give 5 Bever Skins.

His Excellency thanked them for their complement and commends them for their obedience and fidelity to the Government and expects that they will continue so, and then they need not fear of Her Mat^ies^ assistance & protection, and is willing to Cause the Hatchetts Kitles and fuzees to be mended and doth therefore order that they do bring such Hatchetts Kitles and Guns as want mending to morrow morning to y^e^ house of Robert Livingstone her Majesty's Secreary of the Indian affairs, that the trades men may be sent for to do y^e^ work out of hand; and it will be requisite that one of each Nation attend there to see an exact account taken of them, that every body may [have] their own things back again

Propositions made by his Excellency Rob^t^ Hunter Capt^n^ Gen^ll^ & Governor in Cheife of her Maj^tys^ Provinces of New York, New Jerseys and territories depending thereon in America and Vice Admirall of y^e^ same to y^e^ Sachims of y^e^ 5 Nations viz the Maquaese, Oneydes, Onnondagues, Cayouges and Sinnekes in Albany the 16 Aug 1710

PRESENT—Coll P^r^ Schuijler of Her Mat^ys^ Councill, Hend Hansen, Coll K V Renselaer " " ", Jn^o^ Schuijler, George Clerk Secry of y^e^ Province, Mynd^t^ Schuijler, Abrah: Cuyler, P. Van Brugh, Gert: Reeseboom, John Reeseboom, Abraham Schuijler — Aldermen — Comms^rs^ of y^e^ Indian affairs; Rob^t^ Livingston Secry for y^e^ Indian Affrs

Brethren

It having pleased y^e^ great Queen of Great Britain my mistresse to appoint me Governor of this countrey upon the death of the late Lord Lovelace whom God Almighty was pleased to take to himself last year, I did resolve to call you together as soon as I arrived, and am glad to see so many of your Sachims come, with whom I shall be glad to treat off affairs for y^r^ welfare and to renew the Covenant chain.

Brethren

I was willing to take y^e^ first opportunity possible to meet you to renew the Covenant Chain, on behalf of all her Majesty's subjects on the north continent of America, which I doe now in a most solemn manner and do assure you of her Majesty's Protection and assistance so long as you keep the same inviolable, and as a token of Her Majestys kindness to you for your former Services to this Government, has sent by me a present to be given to you which you will now receive.

I am informed that y^e^ French of Canada have made it their continual Practice by their deluding Jesuits & other missionaries to draw you off from you fidelity to Her Majesty and to raise divisions among you, but I suppose the long experience you have had in their mall treating you, and y^e^ many ill actions they have been guilty of, will be sufficient inducements to keep you firm to those that have always been your friends, and to secure you from hearkening to any of their false insinuations, they have had some messengers lately in your Countrey, I would fain know what propositions have been made to you & what answer the French received to their message, and why y^e^ messenger of this Government who was then at Onnondage was not made acquainted with your answer to them, I desire allso to be informed what you know of the French Transactions with their Indians, and what expedient you can propose to bring them off

I am glad you are now senceable that it is for y^r^ advantage and security that the farr nations have a free passage throw your Countrey to come and trade here, you could not see throw it at first but y^e^ only way to strengthen you & us & to weaken y^e^ Enemy is, to have as many brought into the Covenant Chain as possible & therefore I must exhort you to persist in that resolution and give y^e^ farr Indians all suitable incouragement Imaginable as you see y^e^ Great Queen to strengthen this Government has been pleased to send a great number of people with me to settle here

Those of your nation who have been lately in England, have made it their application[1] to the Great Queen to send missionaries amongst them to instruct them in the religion and worship of y^e^ son of God the saviour of the world, I desire to know whether you approve of it, and if you will be satisfied to have a Garrison Planted in one or more of your Castles, and a Chapel or Chapells built there & y^e^ place fortifyed for your defence and Protection

That to convince y^e^ great Queen & her Gov^r^ under her of y^e^ sincerity of Your Intentions in your allegiance & fidelity, you will for the future receive no French Priests or emissaries amongst you, else we must not look upon you sincere in your Promise of keeping the Covenant Chain Bright

I am concerned to hear the complaints of severall of y^e^ Inhabitants that live above Schinnectady, who suffered much by your young men's killing their Creatures last year, and plundering their Houses, this is not acting like brethren & friends, I hope you will take care that no such abuses be committed for y^e^ future

I understand that divers of your people design to goe out a fighting against y^e^ Flattheads, who have not injured you, and are a peaceable people, It is better for you to hunt near home, since you know not what designs the French may have against you.

By the last Fleet y^t^ came from Great Brittain to Boston her Majesty sent some troops to Act offensively against y^e^ Common Ennemy and some more ships are speedily expected, by w^ch^ we may have some news, therefore it will not be adviseable for y^e^ brethren to go farr from home, not knowing what occassion there may be to joyn our forces together.

[1] have made their suplycations. *Copy in New-York Colonial Manuscripts*, LIV.

Your Brethren who have been in England and have seen y^e^ great Queen and Her Court, have no doubt informed you how vain & groundless the French boasting has been all along, how our Great Queens armys have year after year, routed all his forces, taken his Townes, and is at this time near his principle town and seat of Government, her Maj^ty^ has sent them as a pledge of her protection, and as a memoriall to them of their fidelity, a medall for each Nation with her Royall effigie on one side, & the last gain'd battle on y^e^ other, which as such she desires may be kept in your respective Castles for ever, she has also sent her Picture on silver twenty to each nation to be given to y^e^ Cheif Warriors, to be worn about their necks as a token, that they shall allwaies be in a readinesse to fight under her Banner against the common enemy

The Sachims of y^e^ 5 Nations were told that his Excellency had ordered them a live Bullock for each nation besides bread and other Provisions w^ch^ they might dispose of as they thought fitt.

The Presents that were given to the five nations were

100 Fuzees	75 Shirts
1000 lb Powder in Bags	25 Kitles
2500 Flints	70 Hatchetts
5 P^s^ Strouds	25 lb Paint
2½ P^s^ Blankets	500 Bars of Lead
2 P^s^ Duffels	5 Gross of Tobacco Pipes
20 Doz Knives	150 lbs Tobacco.
50 Looking Glasses	Rob^t^ Livingston Sec^ry^ for Indians Affrs.

Propositions made by His Excellency Rob^t^ Hunter Esq^re^ Capt^n^ Gen^ll^ & Gov^r^ in Cheiffe of y^e^ Provinces of New York & y^e^ Jerseys and vice admiral of y^e^ same, to y^e^ River Indians & Skaahkook Indians in Albany y^e^ 17^th^ August 1710

Present—Coll P Schuijler, Coll. John Schuijler
Coll K V Renselaer, Rob^t^ Livingstone Sêcry of y^e^ Ind^n^ affairs

Children

I thank you for your kind congratulatory Proposition made me upon my arrivall, it shall not be want^g^ in me to give you all encouragement Imaginable and I am directed by y^e^ great Queen of Great Britain my mistresse to assure you of her assistance & Protection so long as you shall behave your selves obedient and faithful servants, and be ready at all times to fight under her banner against the common enemy, and as a token of her Majestys kindness to you for your past services to this Government and future incouragement she has sent a present with me to be delivered to you which you will now receive.

I came up to Albany as soon as I could conveniently to renew y^e^ Covenant Chain, which I do now with you my Children, in y^e^ behalf of all her Majestys subjects on y^e^ north continent of America in the most solemn manner not doubting the Continuation of your fidelity and obedience w^ch^ will ever be attended with a suitable Reward from me, and to remove your fear of y^e^ Enemys annoying you, by being bare and uncover^d^ in the place of your habitation at Skaahkook I will cause to built you a Stockado fort for y^r^ security and must exhort you to

keep together and not to suffer y^r people to straggle, but use all endeavours to encrease your number by perswading those that have left you to return to their ancient habitations, you see the care Her Maj^ty has of this Province by sending so many people with me to settle here, and y^e more numerous her Subjects are, y^e lesse you need to fear the incursions of y^e enemy however be watchfull and lett not y^e French or their emissaries Lull you a sleep but be upon your Guard, for y^e security of your wifes and children and not to go too farr a hunting, but be neer upon occassion there being already severall Troops come from great Brittain to Boston by y^e last Fleet, and more ships being expected we know not how soon there may be occasion of joyning our Troops together

I hear you have for y^e present no more Sachims at Skaachkook but one the others being dead, I must recommend to you to nominate two other fitt persons for that Station and will confirm & ratify your choice provided they be fitt and qualified for that office

The Present given to the River Indians was

5 Fuzees	100 Bars of Lead
1 p^s Stroud	100 Flints
6 Blankets	20 Hatchatts
½P^s Duffels	2½lb Paint
3 Doz K[n]ives	30 lb Tobacco
8 Kitles	1 Gros Pipes
1 Barr^ll Powder in baggs	

Rob^t Livingston
Sêcry for Indian
Affairs

Answer of y^e Sachims of y^e 5 Nations vizt Maquase, Oneydes, Onnondagues, Cayouges and Sinnekes to his Excellency Robert Hunter Capt^n Gen^ll & governor in cheife of her Majesties Provinces of New York New Jerseys &^c in Albany the 19^th August 1710

Present—Coll P Schuyler
Coll K V Renslaer
George Clerk Secry of y^e Province
Evert Banker, Hend: Hansen, Joh Schuyler, Mynd Schuyler, P^r Van Brugh, Joh: Reseboom } Commissioners of y^e Indian Affairs

Rob^t Livingston J^r Recorder
Abrah: Cuyler, Gert: Reeseboom, Abrah: Schuyler } Aldermen
Rob^t Livingston Secry of Indian Affrs.

Kaquendero Speaker

Brother Corlaer

We are glad that y^e great Queen of Great Brittain has been pleased to appoint a person whose character is not only to be a good man and a good Soldier to be Gov^r over y^e Christians and Indians in this Country, we are very thankful to Her Majesty for her so good a choise, and doubt not shall live all happy under your administration

You were pleased to say in your propositions, that you were glad to see so many of y^e^ Sachims of y^e^ five nations here, but we have more reason to rejoyce to see you safe come over to us after so long and dangerous a voyage

Some of our Brethren have been lately in England & are now returned safe and altho' they were natives of the Mohogs nation yet we are as well satisfy^d^ as if there had been one from each of y^e^ five nations being all united, they have seen y^e^ great Queen and her Court, & been very well treated for which we are very thankfull

You thought it requisite as soon as possible to call us the 5 Nations together to renew the Covenant Chain w^ch^ was very grateful news to us all, being glad of the opportunity, w^ch^ ancient Cove^nt^ Chain we renew most solemnly with all Her Majestys subjects on y^e^ North Contin^t^ of America, assuring you it shall be kept Inviolable by all our 5 nations as long as the sun and moon endures

As to the supplication made to y^e^ Great Queen by those of our nation that have been lately in England concerning missionaries to be sent amongst us to instruct us in the Christian Religion, we approve of it very well and are very thankfull for y^e^ offer, and not only be glad to see a Garrison of Soldiers planted in each of our Castles, w^ch^ lye very much exposed to y^e^ Insults of y^e^ enemy (by whom they are surrounded on all sides) but should be glad to have some of y^r^ people to go along with us, now to begin to work which would be a great Security for our wifes and Children & should rejoice also to have missionaries there to instruct us in y^e^ Religion & Worship of Jesus y^e^ son of God & Savior of y^e^ world, but we know it cannot be had so suddenly since they must come from Great Brittain, but as soon as they can be got we hope you will make chappels for them, in each of our Castles where we will receave and treat them as well as we are able and we think it would be highly requisit to have a Christian Sachim in each of our Castles to take notice what is transacted there and defeat y^e^ French Intreagues

We hope we have given Her Majesty & her Governors sufficient Testimonys of y^e^ Sincerity of our Intentions and of our Allegeance and fidelity and shall be willing to demonstrate it further in y^e^ not receiving nor harbouring any of those dangerous people y^e^ Jesuits in our Castles & shall discharge all our people from receiving them, but y^e^ most effectual way to be rid of them is by planting Garrisons in our Castles, by building of Chappels and supplying y^m^ with missionaries and therefore y^e^ sooner that be put in execution the better especially y^e^ Fortifying our Castles

You are pleased to forwarn us not to fight against the Flattheads but to hunt neer at home and secure our wifes and children & to be ready on all occassions to go against y^e^ Common Enemy in regard Her Mat^y^ has sent severall Troops by y^e^ last Fleet to Boston to act offensively against y^e^ French, and more ships expected, by which we may have some news, we promise to obey your commands, and to be neer at home not knowing how soon there may be orders from y^e^ Great Queen to joyn our forces together

You are desirous to be informed how y^e^ French Indians are disposed and what expedient we can propose to bring them off, the Brethren have often tryed that, we have tryed it likewise but found all means hitherto iniffectuall never the lesse we must not dispare but try again & we hope you will do y^e^ same. If peradventure we may prevail with them at last to come and live in the land of their nativity

You are pleased to commend us for opening a path for y^e^ Dowaganhas and other farr Indians to come through our countrey as far as Albany where Corlaer & Quieder dwells to trade w^ch^ we will be always willing to Incourage but y^e^ brethren here can do more than we

to promote that Trade and that is by giving good pennyworths yea cheaper than we [have] ourselves, and y^{t} will be an infallible way to draw them for we are used to buy dear y^{e} Traders always alledging that Bever is a drugg

The Great Queen of England has been pleased as a pledge of her Protection to send each of our nations a medall with her royall effigies on the one side and y^{e} last gained battle on the other w^{ch} we have received with all y^{e} satisfaction Imaginable and will keep them ever in our Castles, and bring y^{e} same down when any publick and solemn Conferences are to be held to shew y^{e} same, we are also very thankfull for y^{e} 20 peices of Silver, she has been pleased to send to each nation with her picture upon them, w^{ch} our cheif Capt^{ns} shall wear about their necks and shall always be ready to fight under her banner against y^{e} Common enemy.

We are sorry to hear such Complaints of our young people doing mischeif to y^{e} peoples cattle that live above Schinnectady, we shall endeav^{r} to prevent all such irregularities for y^{e} future as much as possible

We have done with answering your proposition except that part which relates to y^{e} French Agents y^{t} have been lately in our Country w^{ch} we will impart to your Excell^{cy} anon in y^{e} house, and so shall Conclude by praying your Excell^{cy} to interceed with her majesty that goods may be cheaper and bever dearer for y^{e} traders give so little that it is not worth y^{e} while to go a hunting for them & gave a few Bever & drest deer skins

They gave 4 Bever skins to condole y^{e} death of M^{r} Lydius late minster of Albany who dyed last year.[1]

A Sinneke Sachim stood up & said

There was an intended expedition last year against Canada in which Leiu^{t} Gerrit Luykasse happened to be killed in y^{e} lake whose death they condole by giving a scalp & 4 Bear Skins[2]

When y^{e} Sachims were come into y^{e} house Kaquendero y^{e} speak^{r} Proceeded making a long harrangue after y^{e} Indian manner when any repetition is made, and said that Mons: Longuille & Jeunkeur & some french which then had been in Onnondage lately, & proposed that they had been informed by 2 Indians that were come from Albany y^{t} the expedition against Canada would be revived and that y^{e} Governor of New York had given y^{e} hatchett into the hands of y^{e} five nations the said Messengers said they could not beleive it, but y^{e} Governor of Canada could do no lesse than send them to enquire about y^{e} truth of this matter and tho' we find that it is nothing but a story yet we must tell you that if such a thing should happen you [must] reject any such proposall, for that would be [y^{r} Ruin &] the Ruin of your Childrens Children lett the French and English that have had warr so long together let them fight But the Indians must sitt still and be quiet and if you take up y^{e} Hatchett agst us the Governor of Canada doth acquaint you by us, that he is ready to come and rout y^{e} 5 nations, and will come like a Whirlwind among them and destroy them and all their accomplices Root and Branch nay he will leave off pursuing any other enemy and wholly send his force agajnst y^{e} 5 Nations. therefore we exhort you to sitt still and not meddle with y^{e} Warr in y^{e} least

He the said Sachim gave[3] y^{e} French Messengers no other answer but [this] that they exhorted him to sitt [still] & be quiett as he exhorted them neither would they give any ans^{r} to that art^{le} relating to y^{e} Hatchet & so dismiss^{d} y^{m}

Rob. Livingston sêcry for Indian affairs

[1] who dyed *this Winter*. Copy in *New-York Colonial Manuscripts*, LIV. [2] *Beaver* Skins. *Ibid.*
[3] He said the Sachims gave &c. *Ibid.* — Ed.

Att a conference of y^e^ Commissioners of the Indian affairs and y^e^ Sachims of y^e^ 5 Nations in Albany the 19^th^ Aug. 1710

PRESENT—Kill van Schuyler[1] Mynd: Schuyler
Evert Banker Joh. Cuyler
John Schuyler Joh. Reeseboom
Rob^t^ Livingstone Sêcry of y^e^ Indian affairs

The Governor has desired us to acquaint you y^t^ he has received an account yesterday from new England y^t^ y^e^ French Indians, continue to committ barbarities upon y^e^ poor innocent people your Brethren in New England who are in y^e^ Covenant Chain, we are therefore desirous to know what expedient you can propose to prevent such Cruelties

The Indians answer

Brother Corlaer & Quieder

We wre told after y^e^ propositions were over to day that y^e^ Sachims of each nation should meet y^e^ Gent^mn^ this evening to consult about this importune affair, [2]viz what methods are to be taken to prevent the cruell barbarities committed by y^e^ French Indians upon our Brethren of New England upon w^ch^ we answer that y^e^ Governour of Canada doth not only committ y^e^ same upon our people year after year, but setts the farr nations upon us, who destroy many of our people we have applyed to him with Belts of Wampum frequently but could never have any redress and about 3 or 4 years agoe we sent severall Sachims to Canada to procure a cessation with the farr Indians, and he told us that it was not in his power to grant, but he would write to the French King his master and give us an answer when the Strawberries were ripe next spring, but the Strawberries have been ripe over and over again and we could never gett an answer to this day therefore we must desire to be excused in this matter and referr the whole business to Corlaer meaning his Excelly the Governor to do therein what he shall think convenient, as for our parts we can do no more but what we have done and shall be glad to hear what conclusion the Brethren do take in this affair before we return to our Castles

The Gent^n^ told y^e^ Sachims they would acquaint his Excellency y^e^ Gov^r^ with what they said and they should have an answer before their departure

ROB^t^ LIVINGSTONE Sêcry
for y^e^ Indian Affairs

Propositions made by y^e^ sachims of Oneyde to his Excelly Rob^t^ Hunter Capt^n^ Gen^ll^ & Gov^r^ in Cheif of N Yorke &^c^ in Albany y^e^ 20 August 1710

PRESENT—Coll P Schuyler Rob^t^ Livingston Sêcry for y^e^ Indian Affrs.

Brother Corlaer & Quieder

We are come to your Excellency to request y^t^ we may have a Smith in our Country being resolved to build a Castle to preserve our wifes and Children from y^e^ Insults of the enemy,

[1] Kill. v. Renselaer. *New-York Colonial Manuscripts*, LIV. [2] importent affair. *Ibid.* — ED.

being situate in a dangerous place where we are surrounded by the enemy on all hands, and when we are a building y^e^ Castle with Stockados, if our Hatchetts break it will be hard to gett them mended, we therefore desire that your Excellency may lay it before the Assembly and that we may have an answer when the assembly breaks up, we propose to pay the Smith for his labor as much as is paid by the Christians here to their Smiths, for whatever he does, we hope your Excellency will take our case into consideration, since we have alwaies shewn ourselves obedient to y^e^ Commands of y^e^ Gov^rs^ of this Province, and shall alwaies be ready to obey what orders your exc^llcy^ shall be pleased to injoyn, did give 18 drest dear skins & one Bear Skin

His Excellency told y^m^ that he had a particular regard for y^e^ nation of Oneyde whom he was informed by every body had always been ready and willing to obey what was command^d^ them by this Province that all endeavors should be used to comply with their request, and to answer their expectation about a smith being settled in their Country either by y^e^ assembly or otherwise especially since they are going to build a new fort or Castle for the security of their Wifes and Children

Rob^t^ Livingstone Sêcry
for y^e^ Indian Affairs.

Propositions made by y^e^ Maquese to His Excellency Robert Hunter Capt Gen^ll^ &^c^ the 20 August 1710 in Albany

Present—Coll P Schuyler Mynd Schuyler Rob^t^ Livingstone Sêcry.

Brother Corlaer

There is something forgott in the publick Propositions yesterday which is this, when we were in England we proposed to y^e^ great Queen to have a minister for us Maquese in our Castles and the Queen was so gracious as to propose that we might have two, whereupon we were very thankfull and told Her Majesty if she were pleased to graunt two there was one M^r^ Freeman who had been minister of Schonnectady was well versed in their Language, and a proper person to instruct them in y^e^ Christian Religion, and the Queen was pleased to approve of it, we do therefore pray that we may have him in y^e^ 1st place till y^e^ other come from England and that he live [with us] at our Castle and not at Schinnectady nor Albany

His Excellency answered

That he is very willing if M^r^ Freeman can be prevailed withall that he should goe and instruct them in y^e^ Christian Religion in their own Castles in y^e^ Maquaese Contrey, and will promote his being Confirmed at home in that Station, so that nothing shall be wanting in him to incourage so good a work, that His Excellency had not received the necessary orders relating to missionaries as yet from England which he expected dayly, and as soon as he receives y^e^ same will acquaint them therewith

Rob^t^ Levenstone Sec^ry^
for y^e^ Indian Affairs

Albany the 20th August 1710. The two Sachims of Skaahkook waited upon his Excellency Robt Hunter Captn Genll & Govr in cheiffe &c and sayd.

PRESENT—Coll P Schuyler — Joh Schuyler
Kill van Renslaer. — Robt Livingstone Sêcry.

That they thankt his Excellency for his care of their welfare that they had three old men, that were Sachims called Wallighluawit [Catosauk] and Nawekatehum, but that they wanted two Captns to be added to Aspenot wch they purpose may be Quinepan in the room of Wanneskackis that is dead and Patekoquasek in ye Room of his brother Minuhque, which two Captns his Excely. was pleased to approve of, and hoped that they would be true and faithful subjects to ye Queen & well affected to this Government

The said Sachims did thank his Excellency for his care in appointing a Stockado fort to be made at Skaahkook, wch they hope will be a means to draw back their Indians to come and settle among them, they gave a string of wampum

ROBt LIVINGSTONE Secry
for ye Indian Affairs

(Endorsed) Referred to in Coll
Hunters Lre. of ye
7th May 1711.

[At a meeting of the Commissioners of the Indian affaires in Albany ye 20 of August 1710.

PRESENT—Coll: P. Schuyler — Pr V. Brugh
Coll: Kil: V: Renselaer — Hendr Hanse
Evert Banker — Johs Cuyler
Johs Schuyler — Johs Roseboom
Myndt Schuyler

May it please your Excelly

We the Commissioners of ye Indian affaires being convien'd by Yr Excellcys order upon the subject matter of a letter yu Received this Evening signd by Coll: Dudley the Govr of Massachusetts bay and her Majes officers in a Council of warr, whereby they Represent ye mischeiffs done to her Majies subjects in New England by 5 parties of Indians sent from quebeck & mont Royall at 5 severall places all att once at this juncture when they are Raising a thousand men for ye Expedition to Port Royall, whereby he is forced to Raise 500 men to secure ye frontiers there, during the harvest, and therefore propose that ye maquase and ye five Nations may be Entred in ye Service concluding that if they had killed a few french men and disposed a few of their skouts on this side ye lake would prevent yr march upon them—

We being heartily greevd att the Deplorable Condition of ye poor Innocent people of yt Collony who are so barbarously murthred by those Cruel Inhuman Indians Salvages, have had ye matter under our serious Considerations & severall Conferences with Indians of the 5 Nations thereon, but cannot Possibly prevail with them, to use any other methods with the french of Canada their Indians to divert their arms from ye sd Colony, then they will send some of their principall men to ye french Indians att Canada with belts of wampum, & particular Instructions to use their uttmost Endeavour to prevail with those Indians to for bar any further hostilityes on yt quarter, urging to them ye proposalls made to themselfs or lately at onnondago by mr Longuellie and Jeunkeur from ye Govr of Canada yt for ye future ye Christians only should

fight against Christians and also to remind y^e^ s^d^ french Indians of their former promise to them to Stand Neutrall with Respect to the Christians in N: England if y^e^ said messengers in their journey to Canada should happen to meet any partyes of french Indians going towards any of her Maj^ies^ Plantations that they Endeavour to prevail with them to return to Canada & if they cannot to Send Emmediat notice to this Governm^t^ all which we hope will have a very Good Effect,

We take leave to Represent to Your Excell^cy^ y^t^ there being Neither Money in the Treasury to Maintain the warr Nor arms or amunition sufficient even for the Defence of y^e^ fronteers (occasiond by a late Intended Expedition against Canada) we cannot suppose it adviseable for y^r^ Excell^cy^ to Enter into any Extraordinary Measures y^t^ may draw an Inevitable Expence upon this province unless y^e^ Assembly were now sitting and a quorum of Councell there present with whom an affair of this high nature may be conserted

Signd P^r^ Schuyler
K: v. Renselaer
Mynd^t^ Schuyler
Jo. Schuyler
E: Banker
P^r^ V. Brugh
Johs. Roseboom
H: Hansen

Memorandum Albany 21^st^ of August 1710

There was given to y^e^ Sachims of the 5 Nations in private presents to Engage to be true to her Maj^ies^ Interest, by his Excell^cy^ Robt hunter Cap^t^ Gen^ll^ & Gov^r^ in Cheif, &c 96 Knives, 12 gunns 28 baggs of Powder 25 blanketts 17 faddom of Strouds 27 fad^m^ of Duffels 14 Shirts 22 Stroudwater stockings 3 Kitles 45 hatchetts &^c^.

To y^e^ Sachims of y^e^ River Indians Privately 8 Knives 1 gunn 2 bags of Powder 8 blanketts 1 fad: of Strouds 9 fad: of Duffels 3 Shirts 2 pare of Strouds stockings and 3 hatchetts.

A True Copy Examined
by Philip Livingston
D Secr: of the Ind:
Affairs][1]

Governor Hunter to the Commissioners of Customs.

[New-York Papers; Aa., No. 36.]

Gentlemen

I should have very little to trouble you with at this time did not M^r^ Birchfield the Surveyor Gen^ll^ of the Customs here lay me under a necessity of making a representation of some things that have occasioned Complaint to me and great uneasiness to the Merchants of this place and two Captains of Privateer Vessells who have brought us hither by my encouragement a large ship laden with Cocoa

[1] The document and words within brackets are from the original Record at Albany, in *New-York Colonial Manuscripts*, LIV. "Reeseboom" ought to be spelled, throughout, *Roseboom*; the name is, however, given as found in the London copy. — Ed.

The Case stands thus. In September last the captors brought in the vessell upon my promise that no injury or hardship should be offered them, the Collector agreed to the unloading the Vessell after condemnation putting the effects into safe store houses under lock & key in his possession for securing the Queen's dutys condescending to lett them sell from time to time what they could paying the dutys as they sold. The Price run very low upon a supposition they must be under a necessity of paying the duty forthwith, and to extricate themselves so soon as possible from the prejudice this notion did them they agreed to sell Mr de Lancey Six thousand pounds worth, whilst the bargain was making Mr Birchfeild for his private lucre tryed to prevail on Mr de Lancey to tell him the most he would give, saying he would make the bargain for him, and what he could get it for lesse, should be to his own advantage, urging that it would be no loss to Mr De Lancey. But he being unwilling either to trust or make use of Mr Birchfeild in a matter of this concern, and apprehending the ill consequences that an officers authority might have over these Captors who were strangers and the disreputation it would bring on the Port refused to hearken to the proposalls, and bought it himself. The dutys by this means being secured, the Price of Cocoa increased which Mr Birchfeild perceiving and foreseeing a greater rise of it agreed without the Captains knowledge with their factors for a thousand or fifteen Hundd pounds worth of Cocoa, at the same price that Mr De Lancey had it, which when the Captains came to understand they were very much dissatisfyed, not being willing to purchase at their losse the Surveyor's future favour to their factors, but upon some entreatys and an apprehension of his Power and in consideration the whole sume was to be accounted for dutys, for it was not then all paid they consented, and accordingly went to deliver the Cocoa, but the Searcher and Custome house waiter who were there to receive it for Mr Birchfield, insisting to take it some in one place some in another as they pleased. The Captains would by no means agree to it, whereupon Mr Birchfield arrested the Factors, in an Action of three thousand pounds. And when the Privateers came afterwards to demand a Survey for such part as was not before surveyed. Mr Davis the Searcher (in the absence of the Surveyor who was then at Boston) refused it upon any other conditions then their consentg to let Mr Birchfield have the Cocoa on the Termes aforementioned, saying if they would that he would make all other matters easy, and they should have a survey, But they refusing to do that and insisting on a survey as a matter of Right were forced to send into the Countrey for the Comptroller. How far they were intituled to a survey, I can't tell, I beleive they had but little right to ask it. But if they could have complyed with Mr Birchfields demands they might have had it, to clear some of these things see the Captains petition—No 1

I cannot sufficiently express to you the Resentment of the trading men as well as these Privateer Captains, of this Treatment and way of managery, but you will easily perceive the disadvantages her Majesty's Interests and the Ports which this Gentleman superintends lye under from the self interest & disengenuous bye ends of such an officer. I'm too much perswaded of your concern for both to doubt your particular notice of it, wee have but little Trade left and I fear we shall loose that if this gentleman does not use a more prudent conduct

The next thing I shall take notice of to you is this.

In the year 1709 the Assembly of this Province past an Act for regulating the fees of all the officers in it which Her Majesty thought fit to reject, and to give me her commands to establish them with the advice of the Council which I have done, some of the Custom House

Officers whilst this ordnanance was prepar^{g} thought themselves agreived, and petioned me in Council for Redress, but the Counc^{l} being of opinion that the Fees before taken were exhorbitant and having observed their Home trade much discouraged thought it for Her Majesty's Interest, to pass it in the manner it now is which see N° 2 Sometime after the passing it I went to meet the Assembly of New Jersey where I received a letter from M^{r} Birchfield N° 3 To which I returned him an answer N° 4 So soon as I came back I gave copies of both letters, and the ordnance to M^{r} Jamison her Majestys Cheif Justice of New Jersey who is not of the Council here, and had no hand in the ordinance for his thoughts upon the whole which I send you N° 5

I am sensible the Fees of all the officers are reduced too low but the Council not being of that opinion I was forc't to pass it in this manner or to leave the officers without a legal authority to demand any and thereby not obey the Queens commands But you will see by this opinion of M^{r} Jamisons how little weight M^{r} Birchfields objections have, which if they had any I gave their full force by my answer to his letter, wherein I told him the officers were safe, and much in the right not to Comply with the ordnance if there were anything therein repugnant to the Laws of Trade, wherein I must further observe that this method of one entry for the Inland Trade is as I am told agreeable to the former practice of this Port

An other thing I shall take notice of to you is M^{r} Birchfeilds suspending M^{r} Farmer from his Collectors office at Amboy in New Jersey the sole reason seems to be his non residing and the delay vessells were put to by that means: this is in some measure true but Capt^{n} Farmer did not live for some time at Amboy. But [it] is likewise true that at the time of his suspension and for some months before, he lived there with his family and if its allowable to a Collector to live out of his Port M^{r} Farmer had the best reason to expect it of any man for his House on Staten Island in the Province of New York is directly opposite to Amboy, from which Port no vessell can goe or come into without his seeing it, but to take away all occassion of complaint he appointed a Deputy at Amboy who duly attended there, but you will perceive by the Affidavits and representation to M^{r} Birchfeild where the complaint is of his not attending, that little or no notice is taken of any enquiry being made after his deputy

The truth of the matter I take to be thus: M^{r} Birchfeild having (as I am credibly informed) promised this office to M^{r} Swift even before he had seen M^{r} Farmer or been at Amboy, was resolved to make room for him on any pretence, or he would never have displaced M^{r} Farmer, for not living in Amboy and put in M^{r} Swift a Tavern keeper in New York, where he lives with his family and indeed very seldom leaves it to attend his duty at Amboy which is near forty miles from his habitation

Had M^{r} Swift been in Commission and been suspended to make room for M^{r} Farmer t'would have been much less surprizing the latter being a gentleman of honesty and very good capacity for that imploy. The former a Tavern keeper of no good reputation but on the contrary blackened with the imputation and violent presumption of crimes not fit to be mentioned

I am very unwilling to give you the trouble of a Recommendation but the good service M^{r} Farmer has done Her Majesty in the Assembly of Jersey being a principal instrument in settling a support for the Government and promot^{g} her interest in what ever else came before their house, deserves some notice

I heartily wish I had as good reason to speak well of M^{r} Birchfeild, whose office if rightly administred leads him to do a world of good, but I have too good cause to say, the use he has made of it has had very pernicious effects. Merchants by his behaviour and passionate desire

of gain are discouraged, officers whom he tells he ought to go equal shares with in the perquisits of their places are made very uneasy, and in short whatever he has any influence in has a very ill aspect, I wish he would take example by Coll Quary.

I send you the account of Entrys, Registers &c of vessells and Goods in this Port & am

Gentlemen &c

New York May 7. 1711. Ro: Hunter.

Captains Pinhethman and Marshall to Governor Hunter.

[No. 1.]

To His Excellency Robert Hunter Esqre Captn Genll and Governor in Cheif of the Provinces of New York and Nova Cæsarea & the territories depending thereon in America and Vice Admirall of ye Same.

The Humble Peticon of Captn Charles Pinhethman Commander of ye Ketch Samuel & Captn John Marshall Comandr of the Sloop Kingston two private shipps of Warr.

Sheweth

Unto your Excellcy that in ye month of Septr last anno 1710 they did bring into ye Port of New York a large Prize Ship called the Sto Christo del Burgo loaded with Coccoa being very leaky and had her condemned in ye Court of Vice Admiralty and after condenâcion landedin to severall Storehouses 257 Tons of Coccoa most of it merchantable besides baggs much damnified surveyed upon ye wharfe and about 12 or 14 Tunns left on board ye Hull wholly dampnified

The Coccoa being landed Thomas Byerly Esqre her Matyes Collectr did acquaint ye peticioner of a duty arising upon the said Coccoa to ye Queen of two pence proclamacon money for each pound wt and of two and one half per Cent on each Hundred by sundry Statutes putting his own locks upon ye warehouses keeping his own keys

That yr Petitioners did appoint Mr William Glen Crosse and Mr John Cholwell merchts their agents to be assisting to them in ye sale of their Cargoe

That ye said Collector did agree with them to let them sell to Captn Robinson Commandr of Her Matys Ship ye Dedford man of war then in this Harbour twelve thousand weight of said Cocoa in favour whereof he took security for paymt of the Queens dutys thereof which was afterwards paid

That being sensible of their disability to pay ye whole dutys before sale made ye said Collector did agree to receive ye duty from them as they should sell ye Cocoa upon which contract some small part was sold

But soon after the Collector receded from this agreement and prohibited any further sale untill ye whole duty of all ye Cargoe should be fully paid which happened after Captn Pinhethman had refused to let Maurice Birchfeild Esqre Her Matys Surveyor Genll have Coccoa to ye value of £1000 at an under rate for his own use, and ye said Collector told that he had Mr Burchfeilds order not to permitt further sale of ye Cocoa untill duty shall be paid for ye whole which

subjected them to y^t^ necessity of selling to M^r^ Stephen Delancey an able Merchant in New York Cocoa to y^e^ value of £6000 at a low price & other disadvantages having sold that quantity at 3 pounds five shillings p^r^ Hun^d^ money at eight shilling p^r^ ounce to be at y^e^ charge of baggs & casks.

That before this quantity was delivered y^e^ Petitioners came to understand that M^r^ Burchfeild had treated and bargained with M^r^ Cholwell for cocoa to y^e^ value of £1500 for his own use at the same rate as was sold to M^r^ Delancey which agreement being only paroll w^th^out writing peice of money, or part of y^e^ goods delivered on either side to bind y^e^ bargain y^e^ Petitioners did disagree from it at which M^r^ Burchfeild was much offended. but to make themselves easy were consenting to let him have it provided he would take it as it came out without picking & chusing which did not at all content him

That after y^e^ Queens dutys were fully paid & satisfied for y^e^ whole, some of y^e^ officers of y^e^ Custome House denyed and evaded to let him have a Survey of y^e^ residue which did retard their making a division & sale of y^e^ residue

That M^r^ William Davis y^e^ Searcher told Capt^n^ Pinhethman that if he would lett M^r^ Burchfeild have cocoa to the value of £1500 all things might go easy and they should have a survey made w^ch^ not being granted he often did refuse to attend the Collector whereupon y^e^ Petitioners sent an express to the Town of Jamaica on long Island for M^r^ Carter y^e^ Comptroller who came to town on purpose when he came first he shewed some unwillingness but soon after proceeded to Act with M^r^ Byerly in accompanying y^e^ Surveyors whereupon y^e^ Petitioners after long delays are now proceeding to divide and sell y^e^ Currant Markett Prise of Cocoa being £3.15: p^r^ hundred

The Petitioners do further shew y^t^ M^r^ Burchfield Her Majesty's Surveyor Gen^ll^ has cause to be arrested at his own suite M^r^ William Glen Crosse & M^r^ John Cholwell their s^d^ Agents in an accôn upon y^e^ case on an assumption for £3000 damages who have given Bail for their appearance at y^e^ next supream Court on y^e^ second Tuesday of March instant to his accôn

The Petitioners conceiving themselves injured in this respect by M^r^ Burchfeild & some officers of y^e^ Custome House under his influence y^e^ survey of y^e^ Goods not being ended nor returned & y^e^ drawback ascertained & paid and also apprehensive of further hardships and difficulties to be put upon them are therefore become humble suppliants to your Excellency

May it please y^r^ Excellency

To examine into y^e^ truth of their allegacôns and in your great prudence and moderation to give such orders and directions in the susequent Proceedings in their affair as may be agreeable to justice and equity that they may have a fair return made of y^e^ Survey & y^e^ Drawback fully paid them and that they be not unjustly & vexatiously delayed & molested for y^e^ future in their lawful businesse y^e^ Petitioners as in duty bound shall ever pray &^c^

Cha Pinhetham
Jno Marshall

March 2^nd^ 1710.

Mr. Birchfield to Governor Hunter.

[No. 3.]

New York 23d Decr 1710.

Sr

Your excellency having been pleased by an order in Councill to direct that no vessell or vessells, trading within the Province of New York and as far as East Jersey, within Sandy Hook shall pay or be obliged to pay any fee, or reward, for entering or clearing, the officers of the Customs are ready to shew an obedience to it, not but that they conceive themselves more than a little discouraged, that they must attend those necessary parts of their duty, without any allowance or consideration, it being a thing perfectly Newture,[1] & I beleive ye Practise of no Port whatsoever, but as to the other Command in your excellcys ordr that one generall entry of all goods shipp't on board, to be taken from the masters report shall be sufficient, this with submission is directly contrary and repugnant to ye Acts of Trade, & not in ye Power of ye officers to comply with, who humbly presume that the formes & manner of their duty & proceedings are fully explained by ye Laws of Trade, & Navigation, and that they are obliged to conform to them

When I have the honor to kiss your Excellencys hands, I shall inform you a multitude of evells that attend your order, and before I am so happy, give me leave sir, to recommend the support of ye Officers of ye Customes (in respect of their Fees) to yr favor and Consideration, as an affair that will tend much to the improvement of Trade and the good of her Majys service

I am with due regard
Yr Excllys
very obedient and
humble Servant
M Birchfeild

Governor Hunter to Mr. Birchfield.

[No. 4.]

Sir

I had the favor of yours by Mr Swift, whom I have qualified as you desire I wish for your sake he may have all other qualifications requisite but that's not my businesse and I love not to be meddling in other mens

If there be any thing in the ordinance repugnant to any Laws of England the Officers are very safe and much in the right if they do not comply with it, for that can be no other than a mistake in such of the Councill some of them learned in the Laws who had ye care of forming it, you had obliged me more had you told me to what Law it was repugnant, because I am now forced to trouble others to inspect all ye Laws of Trade for that purpose, if it is found so it shall be rectified. But I find it is the ordinance itself you are angry at, I know there is a sett

[1] New to me? — Ed.

of men who are so but I must acquaint you for y^r better information that it is no private ord^ce of mine but an ordinance past in Councill by her Maj^tys special order to assert her right which some would have invaded

Ye Officers of y^e Customes shall have all necessary protection & encouragement from me in the execution of their office & duty I find you have taken it into your head to be very angry, I protest I know no reason for't for I never did you any injury that I know of & am far from apprehending any from you, being sincerely

Sir

Your very humble

Servant

Burlington Dec 5. 1710. Ro: HUNTER.

Chief Justice Jamison's opinion respecting the application of the Acts of Trade to the Commerce between New-York and New Jersey, &c.

[No. 5.]

14 K. C II Cha 11.

An Act for preventing frauds and regulating abuse in his Majesties Customes.

This Statute subjects all ships or vessells coming from beyond Seas & bound beyond Seas or into the Kingdom of Scotlande & their masters, Commanders & ladings unto certain Rules visitacôns searches penalties & forfeitures as to the entring lading or discharging their Ships and Ladings

This statute does likewise enact rules & orders for the regulating & transportation of goods wares and merchandizes by open sea from one part or Creeke of England to another port creeke or member of England Dominion of Wales or Town of Berwick under severall Penalties and forfeitures

This Statute doth provide that no persons employed about y^e customs shall demand nor take any more than y^e Fees due by law but does not expresse what these are

7^th & 8^th K W

An Act for preventing frauds and regulating abuses in y^e Plantacôn Trade

Amongst other things this Statute does enact that all shipps coming into or going out of any of the plantacôns & lading or unlading any goods or comôdities and their masters or Commanders & their Ladings shall be subject and lyable to the same rules visitations, searches, penaltys & forfeitures as to y^e entring lading or discharging their respective ships & ladings as ships and their ladings & the Commanders & masters of Ships are lyable unto in England by virtue of the said Statute of the 14^th K C 2^cd And that the Officers for collecting & managing his Majestys Revenue & inspecting the Plantacon Trade in any of the said Plantacons shall have the same powers & authorityes for visiting & searching of Ships and takeing their Entries and for seizing and securing or bringing on shoare any of y^e Goods prohibited to be imported or

exported into or out of any of y^e^ s^d^ Plantacóns or for which any dutys are payable or ought to have been paid as are provided for y^e^ officers of the Customes in England by y^e^ same statute of y^e^ 14 of K C 2^d^ &^c^. But I do not find that the Statute of the 7 & 8^th^ K. W. enacts those rules and ord^ces^ for the regulating the transportacon of Goods Merchandizes & Wares by open sea from one port creek or member of England to another Port Creek or member of England Dominion of Wales and Town of Berwick upon Tweed to be in force in the Plantacôns

On the contrary it is provided therein that nothing in that Stat^te^ shall be construed to require y^e^ registring any fisher boats, hoys, lighters barges or any open boats or other Vessells (tho English or Plantacon built) whose navigation is confined to the rivers or costes of the same Plantation or place where they trade respectively, but only of such of them as crosse the seas to or from any of the Lands Islands Places or Territories or from one Plantacôn to another

I do not find that y^e^ Statute of the 14^th^ of K. C. 2^d^ directs any other or more entryes to be made of vessells inwards or outwards bound than one w^ch^ is to be made by the Commander Master or Purser upon oath of the burthen contents and lading with y^e^ particular marks Numbers quality and contents of every parcell of Goods therein laden to the best of his knowledge also where and in what Port she took in her lading & of what countrey built how manned & who was master during y^e^ voyage & who are owners thereof if inwards bound on the penalty of £100 & if outwards bound to enter the vessell before they take in any goods with the name of the Captain or Mast^r^ y^e^ ships burthen y^e^ number of Gunns & Ammunition she carryes and to what Port or Place she intends And before they depart shall give unto the officer of y^e^ Customes a Content in writeing under his or their hands of the names of every merchant person or persons that have laden goods or Merchandize with y^e^ marks & numbers of such goods & merchandize & answer to y^e^ same upon oath on the like Penalty of £100.

12 C 2 C 13 C: 2^d^

There are other Statutes that do enforce entrys to be made by every particular merchant of his particular Goods that are customable outwards or inwards. All that I find said of these particular entryes in this statute of the 14^th^ K. C. 2. is in the 10^th^ paragraph Where fore preventing of Frauds in coloring Strangers goods every merchant or other passing any goods wares or Merchandizes inwards or outwards shall by himself or his known Servants, factor or agent subscribe one of his bills of Entry with y^e^ mark number & contents of every percell of such goods as are rated to pay by the weight without which y^e^ officers of y^e^ Customes shall not suffer any entry to passe. And that no children of Aliens und^r^ y^e^ age of twenty one years be permitted to [be] traders or any goods or Merchandize to be entered in their names

I do understand that the Proviso in y^e^ ordnance for regulation of ffees w^ch^ that Gent. divides into two commands being one entire paragraph to relate to y^e^ same thing that is to Vessells trading within y^e^ Province and as far as East Jersey within Sandy hook w^ch^ are to pay nothing for entring & clearing & one Gen^ll^ entry to be taken from y^e^ Masters report

The Rivers within Sandy hook make the division of the Province of New York from that of East Jersey New York being on the East side and the other on the West side and those Rivers are passable and passed over day and night by Canoes and all other small vessells nay, many times in the winter season the Rivers are so bound up with ice that waggons horse & foot can pass over with safety & ease. And unless it were agreed that the passing over from New York to the Jersey or from East Jersey to New York in other vessells than ships were

meant by the 7th & 8th of K. W. to be under ye same Rules visitations searches Penalties & forfeitures as to ye entring lading or discharging their ships coming into or going out of any of the Plantacôns. I do not perceive a repugnancy in that Proviso to ye Acts of Trade

It is likewise enacted in & by 7 & 8 of K. W. that all Laws by Laws usages or customes at that time or wch should be thereafter in practice or endeavored or pretended to be of force & Practice in any of ye said Plantacôns wch are in any ways repugnt to ye Laws mencôned in ye sd Statute 7. & 8. of K. W. so far as they do relate to ye said Plantacons or any of them or wch are any ways repugnt to that Act or to any other Law thereafter to be made in Engld so far as such Law shall relate to & mention ye sd Plantacôns are illegall null & void to all intents and purposes whatsoever.

Secretary Clarke to the Lords of Trade.

[New-York Entries, II. 398]

To the Rt Honble the Lords Commissrs for Trade & Plantations.

My Lords

His Excellency Collonel Hunter being called on by the season of the year to set the Palatines to work on preparing the Pine Trees, left me his commands in case he should not return before this Packet sailed to acquaint Your Lordships that he is upon that service, desirous by his presence to encourage and to be a witness to their first labours.

He has also commanded me to inform your Lordships of some other things relating to this Government.

The Assembly being dissolved as his Excellency told your Lordships in his Letter of the seventh Instant, a Duplicate whereof I do myself the honour to inclose, He did with the first convenience after, by the Council's advice, issue Writts for the Electn of another to meet the twentyeth of June next; There's but little hopes of such an alteration by this new choice as may make a Majority of sober and considerate men who weighing the circumstances of Her Majesty's Government with honest and dutifull minds may again settle the Revenue for its support, howevr his Excellency is resolv'd to leave no means unattempted, and the Country no excuse.

Our affairs with the Indians have at this time likewise a very ill aspect. The Governr of Canada has lately sent to our five nations some officers and soldiers with a large present, who after having assembled and made several propositions to them, give them the Present to the Value of about six hundred pounds mostly in ammunition, all which your Lordships will see more particularly in the two papers mark't J: A:

So soon as his Excellency had notice that these French officers were at Onnondage, he dispached Colonel Schuyler thither with Instructions what to negotiate with the Indians, but has yet received no account from him. Your Lordships will perceive the French are building a Fortification at Onondage by their permission, which I fear is only a begining for more. The neutrality that has been observed between them this warr, has given our enemy the opportunity of corrupting our Indians, and the country seem generally averse to a Rupture

between them, and rather than be at the Expence of supplying them with Amunition in such a Case and defending their Frontiers, which must necessarily follow, choose to sit contented under this precarious security, Without even so much as raising any money for presents to such of the Indians whose fidelity may deserve them, and the Presents his Excellency brought with him being almost disposed of that way, and for Spys last winter (for whom the Assembly made no provision) there's now nothing left to trust to but the Faith of these Salvages, and how much that is shaken already is but to evident from these Proceedings.

His Excellency having appointed a Committee of the Council to digest the table of 1693 and the Ordnance past by him in Council, into such a method as the difference between them might be observed, they met upon it, but finding it impracticable by reason of the deficiency of so many necessary articles in the first, and besides never having had it under their consideration, and for that reason too, tho' they perused it, made their Report to his Excellency, a Coppy of which, with the Papers therein referr'd to, your Lordships will herewith receive, mark't C. R.

The Fees of all the Officers as well as the Practicers of the Law, are, by this Ordinance, Reduced to Law,[1] but the Council could not be brought to make them higher, so his Excellency was obliged to establish them as they are, or not at all.

Your Lordships will, I hope, pardon me for giving you this trouble, and permit me to subscribe myself with the greatest honour and regard. My Lords, Your Lordships most

New York humble, and most obedient Servant

May 28th 1711 GEO: CLARKE

Secretary Clarke to the Lords of Trade.

[New-York Entries, H. 402.]

To the R^t^ Hon^ble^ the Lords Commiss^rs^ for Trade and Plantations.

My Lords

I have said nothing more of the Palatines in my other letter then that His Excellency was gone up to set them to work on preparing the Pine Trees, not having then received any clear account of their deportment, but since I closed that I have had one full and particular which it will require more time to give it your Lordships, especially at length & with the Copys of some Papers requisite to a thorough prospect of their proceedings than I now have, for I expect to be called on every minute, for this however I will endeavour to be as particular as I can now.

About a fortnight agoe his Excellency having received information from their Overseers and other Officers, that these people had taken a resolution neither to work in making Pitch and Tarr nor to remain on the land they are settled upon for that purpose, but even by force if they could not otherwise effect it, to remove to Schohary (a Tract of resumed Lands) and that they had actually hindred the Surveyors from laying out more Lots to them strengthening each

[1] too Low? — ED.

other in these Resolutions by a secret association, his Excellency was forced to send for a Detachment of sixty from the Garrison of Albany to meet him at the Manor of Levingston which is about two miles from their settlement on the West Side of the River so soon as his Excellency arrived there he sent to all the villages on that side of the River to know how they dared disobey his orders and hinder the Surveyors and other Officers to do their duty.

By their Deputys they returned for answer, that when the Surveyors came to lay out the land, the People called them out, told them 'twas worth nothing, they would have no more, so that it 'twas needless to survey it & that they would have the lands of Schohary which the Queen had ordered them by their contract.

His Excellency replyed that he had often told them that if any man by chance had a bad lott, the Surveyors, on application would lay him out another, as they were ordered, that those who had cleared what was given them might, upon application to the Surveyors, have more, and if what he had already purchased was not sufficient he would purchase more, provided it lay on the River, and near the Pines, that they might ffollow the manufacture that they were destin'd for and obliged to by their contract. That as to the lands of Scohary its the malice of those who would have them for their slaves that put them on demanding it, for that those lands the Indians had not yet parted with, nor were they fit for their labour, no Pine being within twenty miles of it, that it would be impossible to subsist them there, or defend them against y^e^ French and French Indians, and besides they had obliged themselves to settle on such lands, as he should assign them, and then desired their final answer, which was that they would have the lands appointed them by the Queen; Whereup^n^ his Excellency, in writing, told them that since neither their duty allegiance or regard to Her Majesty's unparallelled charity and goodness in taking them up, and providing for them when they were starving, and abandon'd by all y^e^ world besides, had been of any force to keep y^m^ within the bounds of their duty, and since they had no regard to a solemn contract signed by them he was come to require and enforce the execution of it, Copys and Translations of which they had in their own language. Then his Excell^cy^ desired that what passed between them, Copies whereof were then given y^m^, might be communicated to the people, and their last resolution and final answer the next day at four in the evening.

A few Minutes after the Deputys were gone his Excellency was inform'd that a body of three or four hundred of them were then passing the brook, the Deputys, among whom were the Captains, returned to him and in appearance seemed softened, and then went to the people who were drawn up in the hill above the House, towards whom his Excellency marching with the detachment, one of the Cômissarys who had been with them told him they wanted to pay their compliment to him, so his Excellency walk'd up to them, and ask'd them what they meant by appearing in arms, they told him what they had told the Cômissarys, whereupon his Excell^cy^ ordered them home to their habitations, and being gone about a mile they discharged all their Firelocks, but their saying they came to pay their Compliment was only a Pretence, for they told two of their Officers, as they were going home, that they came to releive their Deputys in case they had been confined.

The next day the Deputys came according to order with their answer, which begins indeed with a desire that his Excellency would assist them, that they may be settled in the lands of Scohary, but they soon forget that humble stile, and told his Excellency they had rather lose their lives immediatly than remain where they are, that they are cheated by the contract, it not being the same that was read to them in Engl^d^, there they say it run thus, that seven

years after they had had forty acres ahead given them, they were to repay the Queen by Hemp, Mast Trees, Tar and Pitch or any thing else, so that it may be no damage to any man in his Family. Upon these terms they will perform the contract, but to be forced by another contract to remain on these lands all their lives, and work for her Majesty for the Ship's use, that they will never doe, what does it signify they say to promise them this land, that they shall make Pitch & Tar, They will be obedient to the Queen but they will have the promise kep't, that M^{r} Cast read to them in High Dutch in England, and upon that land which was promised them they will be there and, if they cannot, they desire three or four men may goe for England, and lay their case before the Queen, they say likewise there are a great many things promised them, as clothing, household goods, working Tools, w^{ch} they desire to have; They say further their people dye for want of care and proper remedys and desire money to subsist themselves, and lastly they say that M^{r} Cast told them he'd make them slaves, and therefore desire his Excellency to appoint another in his room.

Whilst his Excellency was talking with the Deputys he received Information that there was a great body of men in arms on the other side of the Brook, and having by that time a reinforcement of Seventy men more, he marched the detachment immediately and passed the Brook, the Palatines were run home to their houses, His Excellency marched to the first Village and ordered them to bring in all their Arms, which they did immediately except a few; He could go no farther that night but the next morning march'd to y^{e} other three Villages on the same side of the River and disarmed them all, and then returning to M^{r} Livingston sent orders to the Villages on the other side to bring in their arms that day to the Store house to be transported to him, which I believe they have done, if they refused His Excellency in case of necessity had sloops ready to transport the Detachment thither.

Its hardly credible that men who reap so great a benefit as they doe by these people, not only by the consumption of their Provisions, but by the increase of strength, should yet be so malicious to possess them with notions so injurious to themselves & prejudicial to Her Majesty's Interest, but yet it is so, and I believe almost the only cause of their present discontents, the Land they live on is generally good, producing so great a crop that those Farmers and men of skill in husbandry who are honest enough to wish success to these peoples labours wonder how they could be wrought upon to complain of it, but great pains have been taken to magnify the goodness of that at Scohary above this, and to perswade them that, if they once settle where they are, their is no prospect of their ever removeing, but if they refuse to doe that and insist on their being planted on the other, the Gov^{r} must give way to it, and by these means it is that they are arrived to this pitch of disobedience which I hope will wear off now they are disarmed of their Firelocks, the power by which they hoped to force a compliance to their unreasonable humours.

His Excellency has published a Declaration revoking all military Commission and putting them intirely under the command of their overseers and Directors, as the Queen's hired Serv^{ts} and all the good people amongst them who have been meerly misled and fright'ned by the turbulent to join in these tumults, are better satisfyed with that rule of Government.

Whatsoever else they complaine of I dare be bold to affirm, there are not many Planters in the Province so happy, so healthfull and so well cloth'd as they, nor could it well be otherwise considering how well they have been used, they have by their own choice three flesh and four flower days a Week, a pound of beef a head or equivalent in pork and pease, as long as they lik'd them, besides three quarters of a pound of the finest, or a pound of the coarser sort, of

bread, which they please, and as good Beer as any man in the Province drinks of at his table; of flow[r] they have a pound a head, with bread and beer; there is not one of their houses that is not hung round with Provisions and as to their clothing every one has had of Shoes, Stockins, Kerseys, Shaggs, and other sort of Woollen, such a quantity last winter as their occasions required, and now against the summer a sufficient quantity of linnen, the remainder is kept for their use to supply them as they want, which by such management will goe twice as far as by making one general distribution of the whole; of Tools they have had as many as they want, and a great many more have been made for them here, as particularly two hundred barking irons; as to their dying indeed, many did at their first coming, tho none for want of care or proper Applications, but by diseases contracted on board, since they have been planted in the country they have had as good a share of health as any people in the world, but all sickness was likewise provided against there by Doctors & Medicines, the want of any thing I am sure is no cause of their turbulent behaviour, whatever the care and plenty they have lived in is.

The 24[th] Ins[t] M[r] Sacket, who has been acquainted with the methods of preparing the Trees, was to visit the Woods in order to divide the work amongst the people and then to teach the overseers how to bark the Trees, that they may instruct the people, so that now I suppose they are all at work, and his Excellency has great hopes for thorough reformation. M[r] Bridger has given over all thoughts of attending this work on any other consideration then that of being hired to it, his Excellency wrote to him to tell him the season of the year approach'd and that it was high time he should be here, he answered if his Excellency would defray his expences he would; The Governor little expected such an answer considering the Salary of two hundred pounds a year sterling allowed him as Surveyor of the Queen's Woods, that by Her Majesty's Royal Letter, under her signet and sign manual, he is expresly commanded to attend that work, and that no Salary is proposed to be allowed him for it by Your Lordships Representation to her Majesty, this put him upon making some farther enquiry after some who had been in the Eastern Countrys, and acquainted themselves with the method of preparing Pine Trees and at length he met with this M[r] Sacket, who undertakes it, and I have very good hopes he will be able to effect it, for he talks more reasonably on that head, then any man I have yet met with, however his Excellency was willing to have M[r] Bridger too, because he was assigned to that work, and for that purpose wrote him two positive orders, in each mentioning Her Majesty's Commands to him, but he still refuses unless on the afore mentioned considerations.

Had he come his Excellency would have reposed but little trust in him, for the method which he formerly proposed to bark the Trees (as he publish'd it in print) would not doe, it has been try'd in Jersey without effect, and to the considerable damage of some men there, nor had he himself better success in Connecticut, as his Excellency is likewise informed from thence; had he been unacquainted with the method of this work he ought to have been engenious in confessing it, that his Excellency might sooner have enquired after some who are acquaint[d] with it, and not have laid hold on that frivolous pretence to conceal his ignorance, which however is more excusable than his disobedience to the commands of so gracious a Queen, whose bread he has so long, and, as it appears, so unworthily eaten.

This is what, My Lords, I have in command to doe myself the honour to lay before Your Lordships with respect to the Palatines, whatever may have escaped from the haste I am in, for fear of losing the opportunity of the packet, as likewise the Copyes of what may be necessary for your Lordship's further information, his Excellency will doe himself the honour to send you by the next.

As to what farther relates to the Indians I inclose you a Copy of a Letter from the Commissionrs of the Indian Affairs, and of one from Collonel Schuyler to his Excellency who designs to be at Albany the first of June to meet the Sachems.

I humbly ask pardon for the confusn which the want of time may have occasioned in this; and that you will give me leave to subscribe myself as I am, with all possible honour,

My Lords

Your Lordships most humble
and most obedient Servant
GEO: CLARKE.

New York
May 30th 1711.

Commissioners of Indian Affairs to Governor Hunter.

[New-York Papers, Aa. No. 61.]

May it please your Excellency

By the enclosed extract out of our minutes yr excellency will see what ye French design to do at Onnondage, how they are resolved to take possession there, if not prevented, we hope that Coll Schuijler will have that influence over the Indians to diswade them from allowg such dangerous Practices as soon as your Excellency's Instructions arrived he was dispatched away with Mr Roseboom and Bleeker, and the Interpreter, and if we had not had some things in Store wch your Excelly brought over it would have been a hard task to have fitted ym out, so bare are ye fronteers now of either money or creditt, we see that our enemy who are always vigilant spare neither Costs nor trouble to effect their ends, and we are almost rendered incabable to do any thing for ye publick good, if there be not effectuall means taken to defeat ye French designs it will prove extream dangerous, not only to us but all ye British Plantacôns in North America we have nothing to add, but that ye stores left by your excellency are almost expended, so with the tender of our humble duty we remain with profound respect

May it please yr Excellcy
Your Excllys mo: humble
and obedient Servants and commissioners
of ye Indian affairs

HENRY HANSEN MYNDER SCHUYLER
JOHN SCHU[Y]LER PETER VAN BRUGH.

Albany May 4. 1711

French Designs at Onondaga.

[New-York Colonial MSS. Albany. LV.]

Att a meeting of the Commiss^{rs} of the Indian Affairs in Albany the 4th of May 1711

PRESENT—Peter van Brugh, Mynd^{t} Schuyler, Hendrick Hanse, Joh^{s} Schuyler

Interpreted p^{r} Lea & Step: Groesbeek

The Com^{rs} haveing Rec^{d} a Letter from Coll^{o} P^{r} Schuyler dated y^{e} 2^{d} instant at the praying Castle of the maquase by an Onnondage Indian Calld Tanhaaro whereby he informs y^{e} Gent^{n} that mon^{r} Longuel & the other french in company with him arrivd at Onnondage ab^{t} 14 days ago, and that they are bussy a building a house of Planks & refers us to y^{e} s^{d} Indian for further Information who being Examind says,

That mon^{r} Longuelie, Jeunkeur y^{e} Interpreter & other officer & 13 Souldiers came to Onnondage about 17 days ago, that they are designd to stay there about 2 months or Longer, that they had sent some of their People to Cadarachqui, for more Provisions, that they had not yet made any Propositions, but were bussy sawing of boards to make a house, that the Indians had granted them a Lott in the midle of their Castle to Errect a house, and that Monsieur Longuelie Calld by the Indians Sinnonquirese was to be the owner thereof and to Live in it when he comes there at any time

That there are 2 Sachims of the Maquase Canada Praying Indians Calld Tatachquisera & orighjadikha with the said french Gent^{n} at Onnondage

A True Coppy Examind by
PHILIP LIVINGSTON D Secrey of y^{e}
Indian Affairs

Propositions of the French at Onondaga.

[New-York Colonial MSS. Albany, LV.]

At a meeting of the Comiss^{rs} of the Indian Affairs in Albany the 7th of May 1711

PRESENT—Kill: van Renselaer, Hend: Hanse, Joh^{s} Schuyler.

Laurence Clase the Interpreter came here this day from onnondage (but had not seen Coll^{o} Peter Schuyler by the way, being he is come by water) and says that he had been there 12 twelf days, and heard Mon^{r} Longuel make the following Propositions to y^{e} 5 nations viz^{t}

Children

I do condole the death of your old & young men women & Children, who dy'd Since I was here Last, and gave a Large belt of wampum to wipe of their tears,

Children

Yow have been Last year in Canada with our Gov^{r} and told him at that time, that, he should not hearken nor give Credit to any Storries or false news w^{h} might be brought there of you by any one, but that you would Live in peace with him gave a belt of wampum—

Children

I hope that y^{e} will keep this your promise & Covenant inviolable w^{h} you made with the gov^{r} of Canada, gave a Large blak belt of wampum—

Children.

I do warn yow not to take y^{e} hatchet in hand from Corlear, (meaning our Governour) on any Expedition agst us, for if you do you breake your promise and will Loose of your best & Chiefest Captains, the warr w^{h} Christians have is different with the warr the Indians have, for Christians make peace when they have slain one another, but the Indians are so violent when they Loose men they will not Leave off, and when we have made peace with the English we must warr with you, therefore it is best that wee remain good friends as wee are now, I have done as Corlaer your Gov^{r} has done, given the hatchett of war to all my Indians, you know not what will Come upon you for we have dayly Intelligence from Boston p^{r} way of Port Royall (now Calld annapolis Royall) what is in hand against you, therefore I do warn you to Stay at home and Assist no body, gave a belt of wampum—

Children

I Desire that the young men shall be Obedient and do what the old Sachims shall order them for that is the Safety & Security of yourselfs & Country gave a Large blake Belt of wampum—

Children

meaning the Squas, that they should give good advice to the young men & their husbands, that they stay at home & not go out to warr, and be obedient to y^{r} Sachims give a belt of wampum—

Children

I desire that two Sachims of Each nations shall go with me to Canada five days hence (which was to be y^{e} 2th of this Instant) the reason of my desire is this because all nations of my Indians are expected there now, therefore do not wonder when y^{o} see a great number of Indians going down, for we shall keep a Gen^{ll} Land meeting, and then you shall see whose fault it is that the farr Indians Kill Every year of your People, gave a great belt of wampum—

Then the s^{d} Longuel gave a Present to the Indians for ab^{t} the value of £600:—most part in Amunition and that the french had made there a Block house of thirty foot Long with Loepe holes in it, & were yet Bussy sawing boards, and had brought householdstuf with them that there are about 24 french with the Officers, they haveing sent a Canoe with Some of their men to Canada to fitch Provision as they told, the s^{d} Lawrence Clase but he thinks it is to fitch more men being they had told him a Little while before that they were going away in a short time, and that Mon^{r} Longuels sons was Expected there day y

A True Copy Examin'd by

Phill: Livingston D S
of y^{e} Ind: Affairs

Colonel Schuyler to Governor Hunter.

[New-York Papers, Aa. No. 60.]

May it please your Excellency

Your Excellencys Instructions dated the 29th past I rec[d] the 30th and in obedience thereof I got ready and repayred towards Onnondage the first of this instant being accomp[d] by Capt[ns] Johannis Reeseboom & Johannis Bleecker, M[r] Nicholas Schuijler, John Baptist van Eps Interpreter and 4 other men together w[th] nine Indians some from hence and others hyred by the way these do accompany the Journall of my Proceedings which has been attended with a deal of Pains & difficulties before I could over come what is done, nay more than that I was obliged to promise to sev[ll] Indians a present of about two hund[d] weight of powder thirty shirts and two peices of Strouds, that I desire your Excellency will be pleased to order up hither for them by the first opportunity here being no such goods in Store, I should be looth to give it of my own haveing already to my sorry advanced to much for y[e] Government y[e] Sachims have desired me by seven hands of Wampum to acquaint your excellency that they are desirous to meet y[r] Excellency at Albany by y[e] first of y[e] next month, they make a generall complaint of the dearness of Pow[d]er so that if your Excellency designs any thing for them, Powder will be most acceptable. Monsieur Longuil it was said has made them a present valued about six hundred Pounds. I have as y[r] Excell[y] directed sent out from Onnondage two spys to Canada who will return by this City have agreed with for two Stroud water Blankets and one pair ditto Stokings to each

Wee returned hither y[e] fifteenth the accout of Expences on my journey and negociation and y[e] service of those all that went with me I shall take another time to lay before y[r] Excellency and Councill and at present take leave will all Sincerity to Subscribe myselfe

Your Exc[llcys] mo: humble & ob[t] ser[vt]

Albany 27th May. 1711. P. Schuijler

Journal of Colonel Schuyler's Negotiations with the Onondaga Indians.

[New-York Papers, Aa. 63.]

Journall of my Joyrney to Onnondage by His Excll[cy] Rob Hunter the Gov[r] and Councills order, dated the 24th day of Aprill 1711 Received the 30th day of this instant & on the first of May I ride from Albany accompanied with M[r] Reeseboom and M[r] John Bleeker in order to proceed with me on the said Journey & come that day to Schinnectady

The second ditto we left Schinnectady and came to y[e] first Castle of the Mohoggs, where I received Intelligence that the French Gent[m] Mons: Longuil had been 14 days come to Onnondage & busy building a house, and had sent a cause[1] back to Cadarachque

The 3[rd] do we gott to Canojoharrie the second castle of that Country & in a meeting of y[e] Sachims conveined desired two of them and some of their young men to go with us in company to Onnondage & p[r]sented them with the Queens arms to sett up in their Castle as a token from her Majesty which they gratefully accepted but appointed none to go with me

[1] a canoe. — Ed.

The 4th do wee proceeded on our journey and came about 30 miles beyond the Mohoggs Castle's towards Oneyde Castle

The 5th do we proceeded on our journey to Oneyde and mett with an Indian who gave us Intelligence that Lawrence Clase our Interpreter had left Onnondage 2 days agoe and that Mons: Longuil was still there and designed to tarry 4 days longer and that Tagtagquizera one of the cheif Sachims of Cagnawage in Canada was at Oneyde to delude that nation if possible

The 6th do we came to Oneyde the Sachims being convened I presented to them the Queens arms, and told them that at their request and by His Excellencys order I was now come, & goeing to the meeting in Onnondage, and desired them to send with me some Sachims & men thither, which they readily consented to, & directed 3 Sachims and a number of their young men to accompany us to Onnondage

The 7th do on my Journey to Onnondage we mett severall Indians designed for Albany they told us that as soon as Monsieur Longuil heard I was by the way ceased building up the Blockhouse and made the best of his way thence to a place called Cannenda, by the Lake where his canoes were & left word If I were minde to speak to him he would tarry there for me in the evening about seven a clock we came to Onnondage where the Sachims friendly received us.

The 8th do the Sachims of the five nations conveined and desired my presence with the other Gentn Captn Roseboom and Captn Bleeker there where when come they made the following Propositions viz

Brother Corlaer & Quieder

We shall in the first place begin and tell you the evill news we have heard from some of our people that have lately been with that nation of Indians called the Minquase who told ym that Corlaer & Onnondio the latter the Gov of Canada are now agreed to destroy ye 5 nations, and that this contrivance has been long on foot between them but now resolv'd upon on purpose to gett our land, being land is scarse to be gott at home, and it is beleived the more, because the French men were admitted to pass freely through Albany the last Winter and now take upon them to build in our Castle, there is also added to that news that Corlaer and Quieder are to invite the Sachims of the five nations to Albany with a design when come there to kill them and to take possession of our land and divide it with the French, this we have also told to Mons: Longuiel who answered that ye French would not be concerned in any such doing, but that the English would do it, which makes us jealous of it, is because Powder is so very dear, we have heard likewise of such a design by Oriojadricko now here from Canada who was told this by a Prisoner takn last Spring from New England near the Sea Side

We shall now repeat to you what Mons: Longuiel from the Governor of Canada has been telling us vizt

Children

I shall now speak to you not only from myself but on behalf of all other nations of Indians in alliance with me, what is past and done by us heretofore you may forgett and forgive, & let us now renew our Covenant and take no notice of evill insinuations from your neighbours we mean Corlaer

It may happen that Corlaer and Quieder in a short time will give the Hatchett in Hand against us, we desire you not to accept or take it for it is the English and French Warr & at

the end thereof they will become friends but you are a dead people if you accept the Hatchett otherwise you shall live therefore let English & French fight it out, and be not concerned either on one side or the other, do you not observe yourselves like Prisoners or Slaves, what ever you have a mind should be done for you by Corlaer and Quieder that no notice is taken thereof, or do you not see that they and wee have a dayly conversàcôn with one another and go dayly to and thro' Albany without your knowledge, O Children I pity you & could wish that Corlaer and Quieder were here to hear me I have abundance to say in your behalf, is it not plain to be seen that they take no care of you nor of the Country it is the Bevers they only aim at & want to have and your assistance when they want it, but seldom return you any, It is I that have compassion over the five nations & esteem you valuable (giving a hard Stamp on y^e^ Ground) therefore hold peace with me & so you with your Brother, It is I that commiserate your young men your wifes and children and all that belong to you, there is Corlear and Quieder has given the Hatchett into the hands of the River Indians, I shall watch their motion tho' I value them but little for with the firing of one great gun I can soon scare them away, now perhaps Corlaer will send out towards our Parts may be we shall send towards his Parts for a scalp or Prisoner when it so happens, we desire you to sett quiett in Peace and concern you not in Warr, for so doing you'll preserve your lives, you Soldiers @ young men hearken to the Sachims for they are men of knowledge and understand to govern your country, thus long will you hold a peaceable life I know you are warlike men yet it becomes you to give ear to the old, and forbear drunkenness you women be sure to diswade your soldiers from fighting that Losse of them is toward the loss of y^e^ land and will bring forth much greife to you. I have sent for y^e^ waganhaes some of them have committed murder at Cadarachque and allso for all the upper Nations to whom I have given y^e^ Hatchett

And from you I desire two Sachims of each nacôn to goe with me to Canada to hear what I shall propose to the Wagenhaes

Answer from y^e^ five nacôns to Mons: Longuil in Onnondage

We must tell you that we have the same compassion with the Governor of Canada as he hath with us you desire us not to take the Hatchett in hand, we think not to doe it but as to what you told us that Corlaer and Quieder have given the Hatchet to the River Indians, that we cannot beleive, it may be to the Boston Indians or them more to the Eastward under the English Govern^mt^ which if so is with a great deal of reason since you have given the Hatchett to all your Indians against them you seem to be commisserated with us, even as if our Brother Corlaer & Quieder used us uncivilly which they do not, but have severall times been used so by you & often times had warr with you occasioned first from your selves, the like has not yet happened with our Brother Corlaer & Quieder & hope never shall, but have alwaies agreed in Love and frindship together, our young men are generally obedient to us & observe our commands altho' the Waganhaes have now twelf times fallen upon us & kill'd of our men, we suppose thro' your means for the sake of the Bevers, which we cannot so easily forgett & are apprehensive that you have some evill design by sending for the Waganhaes perhaps to fall upon us, for we know you are deceitful and not to be trusted, you desire us not to accept of the Hatchett when offered to us we likewise desire you to take y^e^ Hatchett from y^r^ Indians & lett Christians fight Christians only otherwise you cannot expect that we shall sitt quiett while you send out your Indians whom you must pay well for their pains, give one Belt of Wampum

The 9^th^ do I desired a meet^g^ of the Sachims of the five nations to whom when convened I told them Brethren upon the seven hands of Wampum which you sent desiring me here,

his Excellency the Gov^{r} your brother Corlaer, has forthwith directed me to repaire to you and to thank you for the notice given to this Government of the arrival of the French in your Castles & that your brother Corlaer expects your allegiance to her Majesty and y^{r} former promises that you will not permitt any armed men Preist or emissarys from y^{e} French to come among you, and also that he expects that you will have no private consults with any of those that were late among you, and that if any attempt be made against you from Canada you may assure yourselves of all the Assistance this Government can give you, the evill news you told me yesterday of y^{e} Minquase is alltogether false and not worth to make answer to, the seven belts of Wampum which the French has laid before you you have already answered so that I need not say any more of them, but Brethren what's the meaning hereof why is this suffered that the French (who ever have been wrongfull to you) have now the liberty not only to come into y^{r} Castles, but to build a defensive house in the midst of you, how are you now so blind or where are your thoughts y^{t} you can never see nor think of the ill consequences of this they have been doing here I am resolved not to Part from hence before it be broake clear down & destroyed. Brethren I have brought with me her Maj^{ties} Coat of Armes w^{ch} I desire you to sett up here as a token that the French have no jurisdiction in your country the like I have also here to be sent to Cayouge & y^{e} Sinnekes

After this the meeting adjourned into a private consultacôn by themselves, In the mean time I was informed that Mons: Longuil had given the said house to the care of a Sachim that was then gone out about 16 miles farr from the Castle so that I thought necessary to go to the expence to send for him, who came in at six aclock in the Evening I made it my interest to gain his consent as likewise of many others that were well effected yet not without the promise of suitable returns for their Pains

The 10th the Sachims come to my Lodging in the morning & told me they had forgott an article in Mons: Longuills Proposition that was if in Case the five nations would not stay home they had other nacôns besides the Waganhaes at their command the said Sachims replyed of more nations we know also of many in Covenant with us so that such threatnings shall never be a means to break our allegiance with Her Maj^{ty} or the Covenant with her Govern^{mt} in America

And moreover told me that they had concluded to leave in my choice whither to destroy the Blockhouse built by Mons: Longuil or not, but that if I resolved to break it down they in the mean time would send a messinger to him being at Canende but twelve miles of to give him notice thereof.

I returned them answer that I was very glad that they complyed with my resolution & if they thought fitt to send word to Mons: Longuil they might tell him that I was now busie in pulling it down, so that I immediately ordered those that accompanied me to breake it down which was quickly done & the Sachims sent forthwith such word to Mons: Longuil and to y^{e} Cayouges & Sinnekes Country of my proceedings the Longuil sent an Indian Messenger to the Sachims that they should well inform him what I have proposed & done there & withall if I would allow y^{e} Sachims to send him such answer

The 11th they proposed as followeth —

Brother Corlaer & Quieder,

We are now conveined again and you see we have consented to all your desires so hope you'll comply with ours, first we find the prize of Merchandize so extraordinary dear especially Powder without that we are quite undone, therefore since our returns are so invaluable, we

desire Powder above all may be afforded cheaper and we likewise desire that the selling of Strong drink to our people may be prohibited whilst that lays in your power to do

You have often given us the Hatchett in hand to fight the French you know we have always fought them as we did with you once at in Canada & did there good service tho' we have had but little assistance from you when we have been attacqued

You have told us to disuade our Soldiers from going out against the Far Nations, they often fall out upon us yet you are unwilling we shall goe out against them, how shall we defend ourselves against y^{m} with arrows we cannot & Powder and lead is extraordinary dear with you and now you have broak down this house which seemed a defence to us not want Powder & lead, so that we may supply ourselves to be in a readiness upon occasion

I replyed that I should give your Excellency an account thereof but they must be carefull for the future and not admitt any French into their Castles much less to erect any buildings this Blockhouse was 24½ long & 18 foot broad covered with boards & nailed, there was other wood ready to build a chappell, which I also destroyed & so took my leave & bid them farewell presenting them with one keg of Rum 20^{G} was very acceptable after I went about 3 or 4 hundred yards Dekannisore came after me & desired to know the mean^{g} of the Queens coat of Arms I told him that that signified her Majesties authority there and that y^{e} French ought not to be permitted amongst them on any account whatsoever and so departed from Onnondage to Oneyde

The 12th do we left Oneyde and mett a Sinnek that told me that the French Interpreter named Jeunkeur being in the Sinnekes Country and hearing of our arrival at Onnondage immediately departed from thence the 13th & 14 do continued on our Journey & came the 15th to Albany.

S^{gd} P^{r} SCHUYLER

A true copy. examin^{d}

P^{r} ROBT LIVINGSTONE Sêcry
for y^{e} Indian affairs.

Secretary Clarke to the Lords of Trade.

[New-York Entries, H. 415.]

To the Right Hon^{ble} the Lords Commissioners for Trade and Plantations

My Lords.

I have just now received some further Intelligence from his Excellency concerning the Palatines of a very different nature from what I did my self the hon^{r} to lay before Your Lordships in my letter of Yesterday and which would make me wish I had not writ it, were it not necessary you should be informed of all their actions; however 'tis with great pleasure I do myself the honor to write this, which will shew Your Lordships their sincere repentance of their behaviour.

After his Excellency had disarmed them he sent back the detachment to Albany, and the sober and better sort of people, who are likewise the Majority, being secured from the rage of the hot headed, unthinking and misguided, met together to debate on their former

proceedings, and with a general consent came to this Resolution, to acknowledge their faults, ask his Excellency's pardon, and signify their hearty repentance; Accordingly all the Villages, by their Deputys waited on him, and some of them on their knees asked his pardon and promised him a thorrough Reformation of their behaviour, and an entire Resignation to his orders, for the future, whereupon his Excellency pardoned them with this certification, that the first disobedience shall be punished with the utmost rigour the law will allow, which they received with great joy and now they begin to demonstrate their sincerity by inquiring when they shall be set to work, and show a great desire to make a good beginning on it.

M^{r} Sacket has visited the woods, and finding them perfectly to his mind, resolved to set them to work in Barking the Trees on Munday last, so that by the next Packet I doubt not his Excellency will be able to give your Lordships such a relation of their Labour, as will be very satisfactory to you.

However perplexing this tumult has been to his Excellency it will have very good effects as to Her Majesty's interests, for he will put them under a new and more exact method of obedience, which the good express a great inclination for, for though they are more numerous then the bad, yet the latter by their noise and heats, have drawn, or forced, in the rest, which, now their arms are taken from them, they want the power to doe if they had the will, but I hope and beleive they will not attempt it again, their repentance appearing very hearty.

The submissions of the respective villages being in High Dutch cannot now be laid before your Lo^{pps} but by the next packet they shall.

I inclosed your Lordships a copy of Colonel Schuyler's Journal of his Journey to onondage, and his proceedings there with the five nations, which but just now come to my hands.

The occasion of this will, I hope, obtain Your Lordship's pardon, for the trouble given you by him, who begs leave to subscribe with all imaginable honour.

My Lords.

Your Lordships' most humble
& most obedient Servant
Geo: Clarke

New York
May 31. 1711

Secretary Clarke to the Lords of Trade.

[New-York Entries, II. 396.]

To the R^{t} Hon^{ble} the Lords Commission^{rs} for Trade and Plantations.

My Lords

The winds which has hindred the Packet from sailing this week has however been favourable in giving me the oppertunity of doing myself the honour to acquaint Your Lordships that the Palatines are now demonstrating their sincere Repentance of their past transgressions in a manner which will be very pleasing to you.

They are and have been for several days past at work on the Trees of which by computation they prepare fifteen thous^{d} a day; The children are all likewise busy in gathering up the Knots which will be burnt this year, and I doubt not a considerable quantity of Tarr made of them.

This is only on one side of the Blair,[1] on the other they are likewise at work, but I have no particular account of their labours.

By this Your Lordships may well beleive the Woods are full of this sort of trees, and easily gather from the number that is daily prepared, that in due time this People will make such a quantity of Tarr yearly as will not fall short of the expectation that was conceived; Nor indeed is it hardly possible it should, when there are Trees sufficient for many years on that spot they are imploy'd, and other Tracts when this is done of very great extent comodiously scituated for transportation and the people work with all the Cheerfulness imaginable.

It is almost the only satisfaction his Excellency has in this Province to see this great work go on with that promising success it does, for in other things he has met with all the opposition and discouragement which a people devoid of duty and ripe with defection could give him nor is there any prospect of surmounting those difficulties by any Measures on this side; he has however the pleasure of serving the best of Queens, an happiness which they cannot divest him with, that therefore and the hopes of bringing this great affair of Pitch and Tarr to perfection he must comfort himself till he is made easy in the rest, which call for a very speedy and an effectual Remedy.

His Excellency has not yet Return'd, so that your Lordships are troubled with this imperfect relation from me, for which I hope you will pardon me, and give me leave to to assure you, I am, with the greatest honour, My Lords, Your Lordships most humble and most obed^{t} Serv^{t}

New York . GEORGE CLARKE.

June 7th 1711

Lords of Trade to Governor Hunter.

[New-York Entries, H. 391.]

To Colonel Hunter

S^{r}

Since our letter of the tenth of Aprill last, a Duplicate whereof is here inclosed, We have received two from you, both dated the Seventh of May 1711.

We have at present the said Letters and the Papers therein referred to under our consideration, in order to our laying before Her Majesty what shall appear necessary in relation to both your Governments, so that 'till we have gone through the whole, and Her Majesty's pleasure be declared thereupon, We shall not be able to give you particular answers to the severall matt^{rs} contained in your said Letters.

We have laid before My Lord High Treasurer what you write in relation to the Palatines, and shall do what farther lies in our power that may promote the imploying of those People in the Production of Naval Stores.

As to your desire that your Salary and other expences may be paid out of the money in the Collector's hands we must refer you to what was writ you on that subject the 29th of January last, to which we have only to add that all the money levyed in the Plantations, by viriue of the Act for encouraging the Trade to America as Duties on Prize Goods is appropriated and made a Fund for Loans & cannot be otherwise disposed of.

[1] River? — ED.

We have received from the Board of Ordnance the Extract of a Letter from you to the Duke of Marlbro', with an Account of ordnance Stores remaining at New York, upon which we must take notice that you ought to have sent us a Copy of the said Account as you are required to do by your Instructions. You ought at the same time have transmitted an Estimate of each particular species of arms or ordinance stores that are wanting, and also to have explained whether this account comprehends the remains of Stores that are at Albany and Schenectady, as well as at New York, otherwise it is very difficult to apportion what is necessary to be sent.

With our Letter of the sixteenth of March last relating to the Government of the Jerseys a Duplicate whereof has been sent you, We transmitted to you Her Majesty's order in Council of the first of the said month, confirming the Act for ascertaining the place of sitting of the General Assembly of that Province, so that matter is now at an end.

As to what you write in relation to the Court of Chancery, and to the members of the Council being Judge Assistants in the Supream Court, and to the inconveniences that may arise thereby, we can only observe that by your Comiss^{n} you are empowered and authorized to erect, constitute and establish, with the advice and consent of the Council, such and so many Courts of Judicature and publick Justice, as you and they shall think fit, and to constitute and appoint, judges, Comission^{rs} of Oyer and Terminer, Justices of the Peace &ca. So that if you find any inconvenience by the present Constitution of the Supream Court Your Commission and Instructions in that behalf will be your best guide.

We desire that you would send us by the first conveyance a complete Collect^{n} of all the Laws of New York since y^{e} year 1691.

We have only to add that hereafter in your Correspondence with us it will be more easy and proper that what you write relating to each of your Governments be in separate and distinct Letters.

Soe we bid you heartily farewell. Your very loving friends. WINCHELSEA
PH. MEADOWS. GEO. BAILLIE.
Whitehall ARTH. MOORE. FRA. GWYN.
June the 29th 1711

Governor Hunter to Secretary St. John.

[New-York Papers, VI., 87.]

New York 12th September 1711.

Sir

On y^{e} 14th of June last I had y^{e} hono^{r} not without a great deale of pleasure of yours of y^{e} 6th and 21st February, with Her Maj^{ties} Instructions and Commands relateing to the Expedition against her enemys in these parts by an express from y^{e} Lieu^{t} Generall Nicholson who was just then arrived at Boston with the two men of warr and transports destin'd for this place. The express reach'd me a hundred miles up in Hudsons River, upon my return from an interview with the Five Indian Cantons; the substance of which you will find in the paper mark'd A. I hope it will not be tedious to you to read y^{e} occasion of this interview, for I have

ever since lookt upon it as a favourable presage of success. It was breifly this:— Being informed that Jancoeur and Longeuil, two French Officers and agents, were then in y^e^ Senneca's country the most remote and powerfull of all our savage Allies, that they had already built a Blockhouse in their cheife place of residence and had projected a fort there, I sent Coll: Schuyler with some other men of interest with y^e^ Indians, to require y^e^ performance of their former promisses and engagements, that Blockhouse should be forthwith pulled downe, the French dismist, and their promise that for y^e^ future they would receive noe more such errands. All which they performed, tho' with some difficulty, and desired, in Company with the Cheifs of the other four Cantons, to meet me at Albany; where accordingly I mett them and they renewed their covenant, promised punctuall obedience to all Her Majesty's commands, and at my desire broke off the designe of a warr they had meditated against some of the far Indian nations, promising not to stir from home without leave.

Upon receipt of y^e^ express, I dispatcht another back to Albany with orders to detaine two Sachims of each Canton till further orders. At New York I gave all necessary orders for bread and other provisions; ordered y^e^ Feversham to Virginia & Maryland for pork, this country affording none, and then went to New London in Connecticutt to concert matters with y^e^ Councill of Warr constituted by her Ma^ty^ for that purpose: of which the paper mark'd B. will fully informe you.

I dispatcht Coll. Schuyler from New London with orders to y^e^ Sachims above mentioned to bring downe imediately all their fighting men with their arms and cannoes to Albany. Being return'd to New York, I had y^e^ Assembly's of the two Provinces to mannage, provisions to secure for y^e^ forces by sea and land and Indians, and batteaus to build for their transportation. Time begun to prest, for at New London we had news of y^e^ arrivall of the whole fleet.

What past in the two Assemblys which mett, y^e^ one at New York y^e^ 2^d^ of July, the other at Perth Amboy y^e^ 6^th^ the journalls of Councills and Assembly's of both Provinces mark'd C. will amply inform you.

The Assembly of New York raised ten thousand pounds for that use and their quota of men, being 600, tho' they grumbled much at y^e^ proportion; which however is warranted by her Ma^ties^ generall instructions. Yet they resolved to raise them in this manner, 350 Cristians, 150 Long Island Indians and 100 Palatines, which they desired of me on y^e^ Province's Account: all which were raised except the Indians, of which number I cold find but 50. All y^e^ rest by the artifices of those who call themselves their masters being retired to their lurking holes in the Woods; I found means however to find about 40 more from Connecticut. These Sea Coast Indians being of great use for mannageing batteaus and cannoes and all other hard laboure.

The Assembly of y^e^ Jerseys raised Five thousand pounds for this service to be disposed on by me, as y^e^ minutes will informe you. I imployed all hands and arts for levys there, and with some difficulty found at last neare upon two hundred volunteers. In short before y^e^ end of y^e^ month, I had the troops levy'd, clothed, accoutred and victualled and upon their march for Albany, had ready made 330 batteaus, capable of carrying each six men with their provisions and had sent round to Boston a sufficient quantity of bread and a very considerable stock of other provisions, the pork from Virginia not being then arrived; and on y^e^ 9^th^ of August went in company w^th^ Lieu^t^ Generall Nicholson to Albany. I have imployed three hundred Pallatines in this service, 100 upon the account of this Province, about 100 more to compleat y^e^ regular troops to their establishment, being much weakened by a number of

invalids in pay, none of that kind haveing ever beene taken of their hands or disposed of into hospitals since their first establishment. The rest, if the Jersey money does not hold out, must fall to her Majesties share.

I was troubled to find no news of our Indians at Albany. We made however our other troops fyle off as they came upp. They arrived at last on y^e^ 24^th^ of August, a jolly crew, about 800 in number, very likely men, with all marks of a hearty disposition for the service; as you will better understand by the minutes of my proceedings with them mark'd D. and on y^e^ 30^th^ of August they followed y^e^ troops.

These forces consist of:—

Coll. Ingoldesby's regiment formed out of y^e^ regular troops compleated by y^e^ Palatines and joined by y^e^ Jersey forces 600

Coll. Schuyler's regiment consisting of y^e^ troops raised in this Province, Long Island Indians & Palatines 550

Coll. Whiteing's regiment composed of y^e^ Connecticut levys 360

And y^e^ Five Nations with their Allies 800

Upon my arrivall at New York on y^e^ first of September, I received advice by a letter of Admirall Walkers, that the fleet which had sailed y^e^ 28^th^ of July was upon y^e^ 14^th^ of August in y^e^ Mouth of S^t^ Laurence River in good condition and with a faire wind. The Admirall presses much the sending after him more provisions, for feare of being obliged to winter there. I have now in this port the Feversham with transports haveing on Board a thousand and odd barrills of pork, and as much bread, flower, butter, pease rum and tobacco as they can carry; which are to saile for Quebeck the first wind that offerrs, which I hope will make all easy.

This sir is the present state of this glorious enterprize, which God prosper. Hitherto it has a good aspect, and if there is any creditt to be given to y^e^ Report of three French Officers whom I have detained prisoners, they comeing under the mask of flaggs of truce (a pernicious custom in these parts) but really to spye, they are not there well prepared for such an attempt. I believe the Queene has not a subject with a heart warmer for her glory and interest than mine; pardon me for this vanity, since it is all I have to boast of, but you doe me but bare justice to believe that y^e^ concerne you have in this affaire with that of a freind whom I have esteemed with more than a common affection ever since I have known him, and who is now at y^e^ head of it, would have been sufficient to determine me to devote all y^e^ endeavours of my life to it's success.

Before I leave this matter I must begg yo^r^ patience whilst I give you an account of an accident which fell out here, and noe doubt but will be improv'd to my prejudice by those who have all along struck at her Majesties interest thro' my sides.

The Feversham being almost unmann'd by y^e^ death desertion & sickness of her crew, and y^e^ only ship of Warr then with us, when I had resolv'd to send her to Virginia for provision for y^e^ forces, I consulted some of y^e^ Councill about an expedient for manning her, being pinioned by y^e^ Act ag^t^ pressing. They advised to send for all y^e^ Masters of shipps and sloops embargo'd here and to borrowe some men of each in proportion to the numbers of their respective crews, upon promise to restore them upon the returne of the Feversham, which would be an apparent advantage to them in saveing their provisions dureing y^e^ embargoe. Which accordingly I did, and all of them readily comply'd, except one Foy the Supercargoe of a brigantine just come in from Bristoll, who used me with insolence that y^e^ gentlemen present were ashamed of my patience. The other masters gave in y^e^ names of such men as they

cold spare. I sent my own boat on board of them with an Officer to receive y^e^ men accordingly; hee returned and told me that all that Bristoll ship's crew were desirous to goe. I sent him back with his former orders for one halfe only as it was agreed on. By y^e^ time hee gott to y^e^ shipp's side this supercargoe was got on board, and y^e^ whole crew fell upon y^e^ Officer and soldiers, with hand spikes, tho' y^e^ officer called to them frequently to take care what they did, that he came by order of y^e^ government and to doe harm to noe man; but one of y^e^ soldiers, being knock'd downe, shott one of y^e^ crew who dyed next day. I sent for y^e^ crew on shore and examined them; they declared all that the man who was shott had beene soe drunck and troublesome that they had beene obliged to bind him, till y^e^ boatswain, who they blamed most, untyed him on purpose for that tumult: which boatswain imediately after run away. The Coroner's inquest found that John Moore a soldier had killed that man, upon which I made him prisoner. Sometime after y^e^ Grand Jury of this City presented and found guilty of murder the said John Moore and Capt. Riggs upon y^e^ evidence of that Supercargo and some others of his crew, not haveing thought fitt to call for any other. The Capt. was gone upon the expedition, the soldier I delivered over into y^e^ hands of y^e^ Civill Magistrate in order for his tryall.

This Sir is a true account of that affaire; the whole expedition depended upon the saileing of that ship; she was unmann'd, partly by y^e^ evill practices of y^e^ Country who have not only encouraged such desertion, but protected nay rescu'd y^e^ deserters when legally secured and in custody of y^e^ Constables, and when I had ordered a prosecution of such riotts, noe jury would find for y^e^ Queene, tho' upon unquestionable evidence, and y^e^ Queenes evidence were abused and ill treated by y^e^ people upon this occassion.

I have wearyed my Lord Dartmouth and y^e^ Lords of Trade with y^e^ grievances of this government; my sufferings are of small consequence, but I'll venture once more to affirme that without a speedy & effectuall remedy her Ma^ty^ can make noe state of any government in this place, and in a little time y^e^ disease may prove too strong for y^e^ cure.

You are pleased to lay yo^r^ commands upon me to take into my thoughts the whole state of y^e^ Brittish interest in these parts. I am highly sensible of y^e^ honour you doe me, and at y^e^ same time of my want of capacity to think much to the purpose on soe great a subject, which indeed deserves and requires the thoughts of the greatest councill in y^e^ realme.

That it is in a bad state the frequent tumults in all parts and y^e^ generall aversion to y^e^ support of government in most, are sufficient indications. What you are pleased to hint of putting all North America under one uniforme plan of government would most certainly be a sure remedy; but I am afraid it is too lingering a one for y^e^ present exigences; The purchaseing proprietyes and takeing away of usurpations being a work of time and trouble. The Proprietary Governments which were modell'd according to y^e^ humours of their respective Proprietors consist of y^e^ Governour and y^e^ Representatives, the Councill in most being a meer cypher, haveing no share of y^e^ legislature; by which meanes y^e^ Governours depending upon y^e^ good will of y^e^ people for their dayly bread, have beene obliged to make such concessions and past them into laws, that if these governments be purchased and continued upon the foot they now stand, her Maj^ty^ pays deare for much trouble and noe dominion. This is y^e^ plan of the government however they all aime at, and make noe scruple to own itt.

The Legislature of the governments imediately under Her Maj^ty^ is in y^e^ Governour councill and Assembly, by her Maj^ties^ gracious concession; for y^e^ time was when in this very Province, the Governor and Councill were y^e^ sole legislature; but y^e^ Assemblye's claiming all y^e^

priviledges of a House of Commons and stretching them even beyond what they were ever imagined to be there, should y^e^ Councill by y^e^ same rule lay claime to y^e^ rights and priviledges of a House of Peers; here is a body pollitick co-ordinate with (claiming equall powers) and consequently independant of y^e^ Great Councill of y^e^ realm.

A greater assertor of liberty, one at least that understood it better than any of them, has said; That as Nationall or independant Empire is to be exercised by them that have y^e^ propper ballance of dominion in the nation; soe Provinciall or dependant Empire is not to be exercised by them that have y^e^ ballance of dominion in the Province; because that would bring y^e^ government from Provinciall and dependant, to Nationall and independant. Which is a reflexion that deserves some consideration for y^e^ sake of another from y^e^ same person, to witt: That y^e^ Colonies were infants sucking their mother's breasts, but such as, if he was not mistaken, would weane themselves when they came of age.

Upon y^e^ whole I humbly submitt it, if it may not be adviseable at this time, untill a propper remedy be applyed, that Her Majesty by her royall letters (for what a Governour says passes for nothing) putt them in mind that all such priviledges as they clayme as bodyes pollitick, they hold of her speciall grace and noe longer than they shall use them for her interest and the suport of her government. This, which most assuredly will be of noe force toward the settleing of a revenue here, yet may be of use to keep them within bounds in other matters.

I wish it were in my power to doe for M^r^ Harrison as he deserves and I cou'd wish. There is one imployment which is imediately in yo^r^ owne, that is, y^e^ Secretaries place of y^e^ Jerseys; M^r^ Bass the present Secretary being soe obnoxious a man and indeed infamous that I can not believe her Maj^ty^ will be induc't to keep him there, after the representations I have made ag^t^ him. There is another since M^r^ Keile has given over thoughts of returning hither, which is, Surveyor Generall of y^e^ Customes in these parts. M^r^ Brushfeild who is possest of that place being gone for England and haveing demeaned himselfe in such a manner whilst here, that I can hardly be perswaded y^e^ Commissioners of y^e^ Customs will send him back hither againe. Hee is very capable of executing either of the imployments to y^e^ satisfaction of all concerned, and it will be noe small pleasure to me to have him soe provided.

I humbly ask pardon for this long tedious epistle and am afraid I shall be under an obligation to trouble you with more. In y^e^ mean time I begg yo^r^ recommendation to my Lord Treasurer for my bills and yo^r^ assistence toward a remedy for my pressures here. I hope you beleive me when I tell you that it is impossible to be with greater truth honour and regard than I am,

Sir

Your most faithfull, most
humble and obed^t^ Serv^t^

(signed) Ro: Hunter.

Proceedings of the Congress held at New London.

[New-York Papers, VI., 95.]

New London June 21. 1711.

Congress by Her Majesty's Commands

PRESENT

The Generall Instructions to His Excellency Coll: Hunter were read.

Agreeable to a former proportioning of men from y^e^ severall Governments it is now determined for the present expedition

That the proportions following be supplyed:—

From New York	600.
Connecticut	300.
East Jersey	100
West Jersey	100
Pensilvania	240.

To march to Albany on y^e^ second of July next or so soon after as is possible.

Upon reading M^r^ Commissary Belchers letter from Boston what can be had for y^e^ supply of y^e^ generall expedition; Coll. Hunter declaring that he should want the following articles.

Agreed that letters go from this Board to M^r^ Commissary Belcher, that

50 butts of wine,
10000 Gallons of rum,
150,000 of Rice

be taken up presently and disposed as Coll. Hunter shall direct for the expedition.

And Coll: Hunters letter was read at the Board accordingly.

It being represented at the Board that Captain Mathews in y^e^ Chester is not gone to Annapolis Royal for Coll: Vetch as he was ordered, the necessity of y^e^ service demanding y^e^ coming of Colonel Vetch imediately, Coll. Dudley is desired to send away Capt. Carver to Annapolis, to carry the letters left with M^r^ Secretary Addington, and y^e^ letter now agreed on.

And that Carver proceed immediately, and that he keep the shoar on board going & coming [so as in case] he meet with any vessells of strength superiors to himself and at y^e^ last danger to throw away his letters, and that Carver and his Company keep all secret of the expedition.

Upon reading at the Board the instruction referring to the appointment of a Deputy Governour of Annapolis Royal during the absence of Colonel Vetch, and the letter of y^e^ R^t^ Hon^ble^ M^r^ S^t^ John to Collonel Nicholson pursuant thereunto:

It is agreed that Sir Charles Hobby sustain y^e^ place & trust of a Deputy Govern^r^ of the fort & garrison of Annapolis royal, during Coll. Vetch's absence and that Coll Vetch have notice thereof accordingly.

It appearing to y^e^ Board that it is impossible to provide pork pease and other salt provisions sufficient for y^e^ fleet & forces; proposed, that there be two Fish days in a week for y^e^ forces coming from Great Britain, and that Coll. Hunter provide fish accordingly.

Colonell Hunter representing at y^e^ Board the necessity of the coming of the two transports y^e^ Joseph & y^e^ Neptune, now at Boston, to New York both to unliver their looding & to carry provisions back to Boston for y^e^ service of y^e^ fleet & forces:

Agreed that Capt Cockburn be written to & that one of her Ma^ties^ ships y^e^ Saphire or Leopard convey y^e^ said transports to York & return imediately to Boston.

And if y^e^ Admirall of her Majesty's fleet be arrived that Capt. Cockburn wayt on y^e^ Admirall and if he see meet to make any other order for y^e^ safety of y^e^ said transports coming to York it his left to his direction; and if this fayles that Coll: Dudley write to Capt: Mathews to bring them round the Cape so as they be safe into y^e^ Sound, and that M^r^ Commissary Belcher provide each of the transports as well as y^e^ frigott, a pilot, at Her Ma^tys^ charge. Added to y^e^ order to Capt Cockburn or y^e^ other frigot that convoys y^e^ transports to New York, after having taken on board of him such a quantity of provisions as he can well stow & taking charge of such other shipps or sloops loaded with provisions as shall in that time be ready.

Order to Cap^t^ Mathews:

Sir.

Upon receipt of this order you are desired & directed to take y^e^ two transports from Great Britain brought to Boston by Capt: Cockburn & with y^e^ first wind bring them round Nantucket & put them into y^e^ mouth of y^e^ Sound where we presume they will be safe, & return to y^e^ cruise. This is at y^e^ desire of y^e^ Councill of Warr sitting at this place.

Given under our hands

J. Dudley.
F. Nicholson.

Coll: Cranson reported to y^e^ Councill of Warr that y^e^ Assembly of y^e^ Colony of Rhode Island & Providence plantacón had consented to y^e^ raising of 160 men, and no more.

And that he desired that M^r^ George Lee might be Lieu^t^. Coll. to Coll Nalton in y^e^ regiment consisting of the Massachusets and New Hampshir, where he was Major y^e^ last yeare.

In persuance of the order for fish for y^e^ forces above written, Colonel Hunter wrote to M^r^ Commissary Belcher to procure 700 Quintalls of fish proper for that service

And to Comedore Cockburn about y^e^ convoying y^e^ two transports from Boston to York

And Colonel Dudley & Colonel Nicholson signed an order to Capt Mathews to take y^e^ above said Convoy of y^e^ transports, cover'd to M^r^ Secretary Addington to serve in case Capt. Cockburn should fayle.

22^nd^ Day.

It being moved to y^e^ Councill of Warr for their advise whether it were not for y^e^ service & safety of y^e^ troops on y^e^ land part going toward Montreal, to have a reserve of provisions sent with y^e^ fleet to Queebeck & so to Montreal

Advised that Gov^r^ Saltinstall do send three months subsistance & provisions necessary for his quota of men in two sloops to Boston to joyn y^e^ fleet & to proceed to Canada, and from thence find y^e^ best & safest passage to y^e^ Camp where soever they bee, and y^e^ sloops to be at y^e^ disposall of y^e^ officers for y^e^ bringing back any sick or wounded or other service.

For the supply of ship Carpenters for y^e^ bilding of battoes or flat bottom boats at Albany or elswhere:

Governour Saltinstall is desired to provide tenn good able ship Carpenters and let them be sent forthwith to Albany to Coll: Schuyler or such other Officer as shall be appointed by Governour Hunter for that service, who shall be paid by her Majesty.

Advised that Gov^r^ Saltinstall provide at y^e^ best hand and send to Albany 200 beeves & six hundred sheep to be delivered to Gov^r^ Hunter or his order for y^e^ service and subsistence of y^e^ troops and Indians; besides what he shall see meet to send for the subsistance of his own quota.

Coll: Rednap attending y^e^ Board was directed to proceed in y^e^ service, and in ord^r^ thereunto to repair to York to receive Governour Hunter's cómmission for y^e^ present expedition, & he is allowed p^r^ diem for himself & his clark during y^e^ expedition for his extraordinary Service.

Major Livingston attended y^e^ Board with his Cómission as Major & Cômand^r^ of a scout drawn out of y^e^ forces by y^e^ Cômand^r^ in Cheife of y^e^ expedition late to Port Royal, and his journal in that service.

The Councill were of opinion that y^e^ office & service was very necessary and Gov^r^ Hunter was desired to give him cômission accordingly, & a letter to y^e^ Gen^ll^ of y^e^ Forces recômending him in y^e^ name of y^s^ Board, and that he forthwith attend y^e^ Generall with a Copy of this journall and other observations and be at his directions where to serve, either in y^e^ expedition to Queebeck or with y^e^ Land forces by the way of Albany.

The Governours at y^e^ Board severally reported that in obedience to her Maj^tys^ instructions they had made strict & generall embargoes in all their ports to prevent intelligence to be given to y^e^ enemy of y^e^ present expedition.

Governour Dudley acquainted y^e^ Board that he desired Major Roberton might serve in y^e^ Massachusets forces and that he had a company for him as two years past, which was acceptable to y^e^ Board.

Advised that y^e^ forces of Connecticut march from their head quarters at Newhaven towards Albany y^e^ 2d day of July, being as soon as possible they can be ready, and that Coll. Hunter be desired to use all possible expedition with y^e^ Assemblyes of New York & y^e^ Jerseys to hasten y^e^ raysing and mounting of y^e^ severall quotas for those governments.

Major Generall Winthrop, Coll. Townsend & Lieu^t^ Coll. from Boston attended y^e^ Board & gave acc^t^ und^r^ M^r^ Commissary Belchers hand what wine, rum, rice, all might be had in Boston for y^e^ service of y^e^ Brittish forces; w^ch^ was well accepted by his Excellency Coll. Hunter, and desired that there might be no delay or interruption in y^e^ comeing down of their provisions from West Hampshire, which was recômended to Gov^r^ Saltinstall. They also presented their challenge of debt from Connecticut and Rhode Island for y^e^ joynt service and prayed that y^e^ Acco^ts^ might be recômended to y^e^ Generall Assemblyes of Connecticut & Rhode Island.

In consideration of y^e^ great charge & expence of the travels by sea & land and attendance of her Maj^tys^ Gov^rs^ to the present Congress, being y^e^ distance of One hundred miles & more, y^e^ Board are of opinion that there should be allowed to y^e^ severall Governours y^e^ sûmes following

Governour Hunter	50.
Governour Dudley	50.
Governour Saltinstall	20.
Governour Cranston	25.
Colonell Schuyler	40.

And that Colonell Nicholson & Coll. Dudley draw for y^e^ payment of Gov^r^ Dudley & Coll. Cranston, & that Coll. Hunter & Coll. Nicholson draw for y^e^ payment of Coll. Hunter Collonel Saltinstall & Colonel Schuyler.

Her Majty in ye eleventh instruction to Govr Hunter comanding ye obtaining ye service of ye Maquas, & their scouting & service is recômended to ye officers at Albany and elswhere in ye service.

And ye eleventh instruction & ye second in ye additionall instructions relateing to ye raising of ye Militia be referred to ye severall Governours, ye circumstances of ye severall Coloneys & Provinces not being possible to be reduced to one form or direction from this Board and that the Governours are desired severally to give intelligence to each other of any appearance of an enemy & to keep out armed sloops to discover ye approach of an enemy.

Governour Cranston desired that ye vote of ye Assembly of Rhode Island for ye raising of 162 men might be accepted for ye present expedition: the Board doe agree thereunto, provided ye said number of 162 men do not include officers nor saylors.

Coll. Hunter reported what he had done to provide Rum & Wine & rice for ye subsistance of ye Brittish forces, which was excepted at ye Board & he was farther desired to proceed.

Her Majesty having commanded a publick fast in all Provinces & Governments to implore ye favor & blesing of Almighty God upon ye expedition, it is recômended to ye severall Govrs to take care therein.

Colonel Hunter shewed ye list of Officers sent by her Majesty and offerd ye service of any number of them to the other Govrs at ye Board: Coll. Cranston informed ye Board he wanted none.

Colonel Dudley referr'd ye Consideration of the affayr, so far as concern'd him, till ye arrivall of Coll. Vetch, who was to command his part of ye forces.

Coll. Hunter is desired to supply Coll. Cranston with 162 fuzees for ye service of his quota with the other accoutremts

Upon reading att ye Board ye severall letters of the Right Honble Mr Secretary St John prticularly ye letters of ye second and nynth of April to Coll: Nicholson, they are satisfyed that all that can be done is proceeded as far as may be untill ye arrivall of ye Generall of ye Forces & Coll. Vetch, who is to cômand the Massachusets part.

It is left with Coll. Hunter & Coll: Dudley to settle an express to pass between Boston & Albany every ten days & Generall Nicholson is desired to give notice from Albany when ye express shall begin, Coll. Hunter's express to come from Albany to Springfield to be performed at her Majtys charge and Govr Dudleys from Springfield to Boston.

Upon the reading at ye Board ye Addresses from Captain Senthach and Capt. Bedgood ye principall pilots to Quebeck it is desired that Govr Dudley will lay ye papers before the Generall & Admirall that they may be considered for a just reward of their service.

Her Majesty having directed that Coll: Hunter, Coll. Dudley in concert which Coll. Nicholson draw out what mony is found in any of her Majtys offices of receipt in ye severall governments; Ordered yt a Copy of that instruction with a warant from ye sd Governours severally in joynt with Coll. Nicholson and receipt thereupon shall bé your sufficient warrant for ye drawing out ye money accordingly.

The Councill recômended it to ye governments of New York, ye Jerseys, Connecticut & Rhode Island to make ye same orders, to prevent ye assisting and harbouring deserters, as is made in ye government of the Massachusetts.

The Councill of Warr having proceeded in what as yet appeard necessary for ye service, & it being absolutly necessary that ye severall Govrs all take care in their particular Provinces.

What shall appear further necessary for y^e^ service of y^e^ land expedition & referd to his Excellency Gov^r^ Hunter & Gen^ll^ Nicholson, Coll. Schuyler or any other members of y^e^ Board that can be present at any time, to be there concluded and proceeded in from time to time.

Ordered that the troops of Connecticut when they return from y^e^ p^r^sent expedition shall diliver y^e^ arms y^e^ Queen shall furnish them with to y^e^ Gov^rs^ of Connecticut for y^e^ time being, to be kept by him for his Excellency Gov^r^ Hunter's order, unless Her Maj^ty^ shall ord^r^ them to be a part of her Royall bounty to them.

New London June 22^d^ 1711.

Coll. Dudley is desired to adjust y^e^ accounts of M^r^ Borland her Ma^tys^ Agent for y^e^ Contingent Charges, from the time of Coll. Nicholson's last departure from hence to y^e^ Generalls arrivall, and direct M^r^ Borland to draw them fair, fitt to be signed by Coll. Nicholson & Coll. Dudley, that they may be thereupon discharged either by money of her Maj^tys^ drawn out of y^e^ offices of receipt or by bills of Exchange home.

Fra: Nicholson.

New London June y^e^ 22^d^ 1711.

Sir

If you please to pay to M^r^ Sheriff Prentice five pounds for himselfe and servants attending y^e^ Congress and to y^e^ servants and cooks attending the table, six pounds, and to y^e^ two Clerks attending three pounds each, and pass a note for y^e^ same upon M^r^ Borland her Maj^tys^ Agent at Boston, with a coppy of this letter, Coll. Dudley will take care that it be discharged.

Your humble Servants

To y^e^ Hon^ble^ Gov^r^ Saltonstall.

Francis Nicholson. J. Dudley
Peter Schuyler. Sam^ll^ Cranston Ro: Hunter.

At the breaking up of y^e^ Congress Coll. Nichollson desired that Coll. Dudley would imediately upon y^e^ arrivall of his Excellency Gen^ll^ Hill, attend him with y^e^ minutes of y^e^ Congress, the proceedings of y^e^ Generall Assembly of Massachusets, and that Coll. Saltinstall and Coll. Cranston will do y^e^ same for their severall Governments, and that Coll. Hunter will likewise give him acc^t^ of his proceedings in y^e^ land service towards Wood Creek &^c^

Agreed in Councill that if y^e^ business of y^e^ government of Connecticut will allow it, Gov^r^ Saltonstall is desired to bring up his own troops to Albany his [presence] there being judged a good service for y^e^ expedition or in a short time after y^e^ march of his forces from hence.

Ro: Hunter.
G: Dudley.
Fr: Nicholson.
G: Saltonstall.
Sam^ll^ Cranston.

Indorsed B.
In Coll: Hunter's of y^e^ 12^th^ Sept 1711.
An Account of y^e^ Congress at
New London June 21. 1711 and their
proceedings.

Governor Hunter to the Lords of Trade.

[New-York Entries, H. 428.]

To the Right Honb^le^ the Lords Commiss^rs^ for Trade and Plantations.

My Lords.

I am honoured with your Lordships' letters of the 16^th^ of March with Her Majesty's approbation of the Act for assertaining the place of meeting of the Assembly of the Jersey's, another of the 10^th^ of April with M^r^ Polhampton's memorial and M^r^ Burchet's letter, and a third of the 29^th^ of June.

I must begin with humbly begging Your Lordships' pardon for having omitted acquainting you with what was contained in one of mine to His Grace the Duke of Marlborough, relating to the stores, arms and ammunition in the Forts of this province; and indeed the Assemblys of the two provinces, the care of employing of the Palatines, the Indian affairs the present expedition, and the perplexitys in both Governments, hardly affording me time for natural rest, may be allowed to plead for me, if I should unwarilly be guilty of such another omission at this time.

That matter of the Stores is now at an end, and sufficiently remedied by the quantity brought hither for the expedition, but can now send no perfect account of what may remaine, because I know not as yet, what may be left at Albany, after the Troops employed upon this expedition are supplyed.

As to M^r^ Polhampton's memorial, I had long ago taken all imaginable care of the musters of the four company's, having given strict charge to those that muster them, to pass none upon the Rolls but the Effectives, but there is an evil there which wants a remedy, and may have occassioned that Gentleman's mistake in his computation of the numbers of the Effectives since the first establishment of these four companys, there has not been one Invalid belonging to them, taken into the Hospitals, though they have paid all along for that purpose, as the rest of the Army has done, soe that at this time, we have about fifty of that kind, who are not able to do any manner of duty, and are a charge to their Captains not being able to subsist upon their pay. I humbly propose that some homeward bound Man-of-war, may be ordered to transport them to England, in order, to their being received in the Hospital, or to save the trouble and expence of transportation, that Her Maj^ty^ may be moved to give directions to the Managers of the Hospital, to enter upon outlyer's pay, as it is termed, such numbers of that kind, as shall be found by special musters and the Governour's Certificate to be actually upon the place.

On the 14. of June last I received Her Maj^ty's^ instructions, with her Secretary of State's letters, relating to the Expedition against Canada wherein I had orders to procure three months provisions for 5000 land forces which went by sea and in conjunction with the Governors of Connecticut, Rhode Islands and Pensilvania to raise 2000 men to march by way of the lakes to Montreall under the Command of Francis Nicholson Esq^r^; The Quotas were ascertained in the Councill of War, according to the proportions in Her Maj^tys^ General Instr^tns^ viz^t^ New York 600 men Connecticut 360. the Jerseys 360. and Pensilvania 240. which with the four independant Companys makes near that number. Which forces were accordingly raised to a very few, except those of Pensilvania, from whence we have had none, and on the 29^th^ of August last, I left them all upon their march beyond Albany towards the lakes, compleatly armed, clothed, accoutred and victualled, being to be followed next day by 800 Indians of the Five nations and

their Allies from Albany. Enclosed Your Lordships have copys of my transactions with the Indians upon this occasion, and of another interview, I luckilly had with them immediately before I had received her Majesty's commands, relating to this expedition as they are marked A. As likewise the acts passed in the Assemblys of both provinces marked B, and the minutes of both Councills and assemblys marked C. I have not time being but just returned from Albany, and the packet on her departure, to have my observations on these Acts, neither doe any that are material occur to me at present, which is also the reason, I doe not at this time, give your Lordships the accounts of these provinces by separate letters.

I informed your Lordships how odly the former Assembly of New York, had in a manner disolv'd themselves, this Assembly which, consists of all the same members save one, unaccountably the day after they had resolved to take the latter part of my Speech, relating to the support of Govern't into their consideration, Addressed for a prorogation, they are to meet again on Monday next, but to as little purpose, I believe as formerly, for soe long as the members hold their Elections by no other tenure, but that of saving the publick money or starving the Govern^{t} there is nothing to be depended upon from them upon that score, tho' their frequent sessions costs the Country, more than a reasonable support of the Govern^{t} would doe. I shall make but one remark more on the conduct of this Assembly, when by inadvertency or design, there happened some mistakes in their acts, which render their passing the Councill impossible. I had no remedy left, but after a first reading in Councill, to returne them privately to the Speaker, as if they had not been read with a request to amend them in their own house, for they will not admitt of an amendment from the Councill, tho' but of one word in what they call a money Bill, tho' the safety of the whole depended upon it. This conduct how unparliamentary soever (for they will be a Parliament) I was obliged to follow or baulk the Expedition —

As to the Palatines, the tumults raised among them, by the ill arts of such as had a minde to crush the design have had a quite contrary effect, for since that time, and a new modell of management, they have been very busy and very obedient; I have now prepared near a hundred thousand Trees, and in the fall sett them to work about the second preparation. M^{r} Sackett who has the direction of that work, and seems perfectly well to understand it, has prepared some thousands in a manner, to produce a quantity of Tarr next spring, but that being little better than an Experiment, I doe not much depend upon it. M^{r} Bridgers having basely declined, nay endevoured to betray this service, has promoted it soe that I think Providence favours it, for the Gentleman now employed, has been three years amongst the Tarr workers, in the Eastern Contry's, and his manner is soe different from M^{r} Bridger's, that I have good reason to conclude, that he knew little of the matter, and would have served only to have thwarted the other, and obstructed the design; I believe if he were strictly examined, he would discover upon what inducements he has acted soe treacherously; I yelded to his importunity and let him go to Boston in the Winter, he promising a speedy return, hearing nothing from him in the spring when I expected him to attend that work, I wrote to him to meet me at the Palatine Settlements, which by a letter he refused, pretending want of sufficient encouragement. I wrote to him againe with positive orders to repair thither as he was directed by Her Majesty's special letter, told him that I had applyed to your Lordships for an additional salary for him and put him in mind that he had never been refused money when he called for it, but all to the same purpose I protest to your Lordships whilst he attended to that work he lived as I did, and to my knowledge he did not expend the value of a Crowne, and had

several sums of money to the value of about thirty pounds from me during that time. I have had by this packet a letter from Mr Lownds directing me to enquire into some abuses of his, with relation to the Queen's Woods. I have not had time to make a particular enquiry and have only heard in General that instead of preserving, he has wasted them, by giving deputations to such as have saw-mills for certain yearly sums of money paid him by them by which means all the valuable Timber in these parts is destroyed.

That your Lordships may informe yourselves whether wee be in the right in the pursuite of this Manufacture, I will give you an account of Mr Sacketts method of preparing the Trees. In the Spring when the sapp is up, hee barks the North quarter of the circumference about two foot in length, where the sun has least force to draw out the Turpentine; in the Fall before the sapp falls down, hee Barks the South quarter about two foot and four inches next spring, the East quarter for the former reason, about two foot and eight inches, and in that fall the remaining quarter near three foot, after which the part above what is bark'd being full of Turpentine, is cut down splitt and put into kills for Tarr.

That noe hands may be idle, wee imployed the Boys and Girls in gathering knotts, whilst their Fathers were a barking, out of which he has made about three score barrells of good Tarr, and hath kills ready to sett on fire for about as much more so soon as he gets casks ready to receive it—

Now Mylords, tho' I have met with discouragement unspeakable, yet concluding it impossible that the wisdome of Her Maty's Councills should let drop soe beneficial a project, and soe considerable a branch of Trade, when it is in soe hopeful a way, I have launched out all the money and credit I could raise in the pursuit of it, tho' I have as yet no returnes to my first bills I have drawn on Mylord Treasurer for about half a year's subsistance for that people ending the 24th of June last, according to the enclosed scheme mark'd D, which I beg your Lordships would be pleased to second with your recommendations. I have made the best Bridge in all North America, over the River between the Pine Woods and their Settlements, have laid in Timber and all other materials for building the Storehouse upon the place and am about the purchase of a convenient house without the gates of New York on the Harbour for a General Storehouse. Least I should tire your Lordps I shall refer you to my next for more particular accounts of this and all other matters.

I shall only beg leave to acquaint your Lordps a little with the Deportment of one Mr Birchfield who came over here Surveyor General of the Customes, much about the time I did. I acquainted the Commissioners of Her Majesty's Customs, how he had without cause, turned out the most sufficient Gentleman in the province of Jersey's of Collector's place of Amboy here, and put in his room the most infamous person in either province; he has since that time soe persecuted the Collector here Mr Buyerly without any apparent cause, and at last suspended him without acquainting me with his reasons for soe doing, tho' I had told him before, he was a Pattent Officer, and that as such, I conceived he had no power of suspending him, that I verily believe he has some secret reasons for his conduct, which he will not own when I urged Her Majty's patent to him, he replyed She had no power to grant such a Patent, which indeed stopt my mouth, thinking after that all replyes were needless; since that time I have received Her Majesty's letter, commanding me to allow Mr Byerly his salary during the time of his illegal suspension (as it is there called) by the then Lord Cornbury, and to disallow to Mr Fanbronier[1] who executed that office for that time by his Lordp's commission, the sallary he has

[1] Fauconier. — Ed.

in his accounts made good to himself for that service, which I think will sufficiently justify Mr Byerly, in refusing his suspention as to his patent; I can guess no other reason for his conduct, but that he had a mind to pack a set of Officers, for a purpose very frequent in his mouth, that he was sent thither to make his fortune; he is now gone for England and Mr Byerly has acquainted Mylord Treasurer and the Commissioners of the Customes, very particularly with every thing relating to this affair, so that it is needless to give your Lord'ps any further trouble about it—I beg leave to subscribe myself with all honour and due regard

My Lords.

Your Lordships most humble
and most obedient servant
Rob: Hunter.

12 Sept. 1711.

P. S. I have not time to get a copy of my interview with the Indians before I received Mr Secretary St John's letters, but I have inclosed to him that I had to which I beg leave to referr you; Your Lordships will also receive herewith the body of Laws of New York from 1691, as you are pleased to order.

Conference between Governor Hunter and the Indians.

[New-York Papers; Aa., No. 66.]

Propositions made by the Skaahkook Indians to his Excellency Robt Hunter Esqre Captn Gênll & Govr in Cheiffe of the Provinces of New York the Jerseys & the Territories thereon depending in America and vice Admirall of the same in Albany the 17th Aug: 1711.

Present—The Hônble. Francis Nicholson Esqre. Lieut Gênll Coll Pr Schuyler
Lieutt Coll Johannis Schuyler

The Sachim of the Skachkook said

Father

I am come here and brought your Children of Skachkook to see you and am very glad to see the Lieut Gênll Francis Nicholson is safe returnd from great Brittain whom we have not seen of a great while, and in Testimony of our joy do give 3 Bevers

Father

I have pursuant to your commands brought all the men that we have fitt for Service to go upon the Expedicon to Canada with Lieut Gênll Nicholson being 38 in number, and pray that you may take care that in the passage of the Troops to & from Canada our Country may be secured, and not wasted and destroy'd by the Soldiers, we desire to go before to provide ourselves necessaries in our country fitt for ye journey, do give a Bear Skin

The Governors answer to the Skachkook Indians

I am very much pleas[d] to find you so just to your Promises & Ingagements, that when the great Queen of Great Brittain has occasion for your service and presence, that you are so ready to obey, & I make no doubt but that under the conduct of the Lieut[t] Generall Francis Nicholson Esq[re] who commands you your behaviour will deserve an acknowledgment from Her Majesty & that you will be obedient to his commands

The Lieut[t] Generall will take all necessary care that your country be not spoyled nor wasted, & all necessary precaution is taken for its defence, during your absence, you may march tomorrow morning to your country to provide your selves with necessaries, & you shall have Indian Corn and bread for your march

I have ordered a present to be made you, you will receive it forthwith from the hands of Lieut Coll Johannes Schuyler for your Incouragement

The Present was as follows

Every 2 Indians a drest Dear Skin for Shoes.
Each Indian a shirt.
Item ½ Yard & $\frac{1}{16}$ of Strouds or Duffells of each one, half for stockings
$\frac{3}{8}$ of a yard for a lapp,
One half of y[e] Indians, each 2 yards strouds the other half each 2 y[ds] Duffells.
To each Indian 1lb Tobacco & 2 Pipes
To the whole Party 10 Gunns 5 Indian & 5 other with 2lb Powder & 4lb Lead each.
5lb Red lead and half a pound of Vermilion for Paint 2 doz Knives.
10 Hatchetts. 50 flints. 4 kitles. 6 Looking Glasses. 1 Bar[l] Beer.

For the Old Sachim A Coat, A lapp, & Stockings of Red Strouds.
And the same for his wife of Duffells

For the other Old Man. A Coat Stockings & lapp of Strouds

The said Skachkook Indians return her majesty thanks and declare that their lives and all that is dear to them is wholly devoted for her Maj[ty's] Service, and are ready to march pursuant to his Excellency's Command and will be obedient to the Honorable Lieutenant Generall Francis Nicholson Esquire

Robt. Livingstone
Secretary for y[e]
Indian affairs

Propositions made by the Mahikanders or River Indians to his Excellency Rob[t] Hunter Esq[re] Capt[n] Gên[ll] & Gov[r] in Cheiffe &c in Albany the 10[th] August 1711.

Present—The Honble Lieut[t] Gên[ll] Francis Nicholson Esq[re]
Coll. Gurdon Saltonstall Governor of Connetticut

Father

We are come pursuant to your Excell[cys] commands to attend the Queens service in the present expedition to Canada under the command of Lieut[t] Gen[ll] Francis Nicholson, we are 54 men in number and they have chosen me Wampasa for their Capt[n] and are resolved to live and dye with the Lieut[t] Generall.

The Governor answered them & said

That he thanked them for their readiness for the Queens Service & Lieut^{t} Gên^{ll} Nicholson under whose command they are to be, will take care that they shall be furnished with such necessaries, as they want, for the present expedicôn & hopes the will be obedient to his command, and the Queen has ordered them a present, which shall be forthwith given them, while they are drinking he health in a Barrell of Beer

The like present was given to them in Proportion as was given the Skachkook Indians yesterday

The 19 lowermost River Indians & 21 highland Indians had their presents given them by the Commissioners this 20 Aug. 1711 and were ordered to make themselves ready to march tomorrow and joyn Coll Schuylers Regiment

Robt Livingstone Sêcry:
of y^{e} Indian affairs

A Message brought by 3 Sinnekes from Cayauge to his Excellency Rob^{t} Hunter Esq^{re} Capt^{n} Gen^{ll} and Gov^{r} in Cheif &c in Albany y^{e} 20 Aug. 1711

Present—The Honble Lieut^{t} Gên^{ll} F. Nicholson Esq^{re}

The 3 Sinnekes say that 10 days ago they left the Sinnekes at the Cayauge Countrey, & that there were two of the French Indians called Hurons came to the Castle of Cayouge to enquire who had killed 2 of their men, that were found dead in the woods, The Sinnekes answered it was none of them, some of the Five Nations told the said French Indians, they knew well enough who killed their People for the Gov^{r} of Canada was their ennemy & if they would join with him they would soon revenge the blood of their People y^{t} were killed, upon which 3 of y^{e} French Indians who were of different nations said they would take up the Hatchet agst the five nations

That there were 300 Sinnekes and 100 Cayauges ready at Cayouge and coming along, & beleive tomorrow you will have news of them

Five days ago they mett our two messengers namely Capt^{n} Roseboom & Bleeker within one league of Oneyde who desired them to inform his Excellency where they were they gave 7 Heads of Wampum

His Excellency answ^{d} & told them

That all these tricks and menaces of y^{e} French were only to amuse the 5 Nations, and to bring them off from their duty, but that in a short time they would see they will not only be able to defend themselves but likewise in a Capacity to revenge themselves of y^{e} French

Albany the 24 Aug. 1711

The Indians of the five nations to the number of 500 or thereabout arrived with the two Interpreters, who told that more were a comeing especially of y^{e} Maquase Nation, who were carrying over their Canoes from the Maquas River to the Hudsons River

They halted upon y^e^ Hill and his Excellency y^e^ Governor sent Maj^r^ Schuyler with some drink to refresh them and to bring them down to his Excellcy's lodging as soon as they rested themselves

About 2 aclock in y^e^ afternoon the 5 Nations came all down from the Hill passed by Her Maj^tys^ Fort which fired 5 Gunns as they went by & were conducted by Coll Schuyler to his Excellencys Quarters where the Honb^le^ Lieut Generall Francis Nicholson was and the Gov^r^ of Connecticutt the commissioners of Indian affairs with the Mayor and Aldermen of the Citty and after they were all seated on the Ground each nation by themselves

His Excellency Rob^t^ Hunter Esq^r^ Capt^n^ Gên^ll^ and Governor in Chieffe of New York &c spake to them thus.

Brethren

I am heartily glad to see you and that you are come with so considerable a company, pursuant to y^e^ Queens commands to assist ag^st^ the Common enemy

You are to be under the command of Leitenant Gên^ll^ Francis Nicholson, whom I hope you will readily obey and I doubt not but that you will behave yourselves so well that you will not only deserve the Present which is sent by Her Majesty and now to be given you, but a further acknowledgm^t^ for your zeal and magnanimity in this noble Enterprize

The other Troups being already gone upon their March I expect as soon as you have given an account of your number of Souldiers of each Nation that goe to Canada that you will be also ready to march und^r^ the Lieutenant Gên^lls^ Command, you shall have ammunition and Provisions fitt for your journey and houses shall be shewen you where you shall lodge dur^g^ your stay

Here is a belt of Wampum which I give you as a token that you are welcome, to this Place and Beer Tobacco & Pipes for you to smoak & drink, and as we are one heart and one hand so you are to unite with our people, in whatsoever may further the present design, which is nothing less than the reducing the Country of Canada to her Maj^ties^ obedience

Propositions made by the Sachims of y^e^ five nations viz the Maquase, Oneydes, Onnondages, Cayouges & Sinnekes, to his Excelly Rob^t^ Hunter Esq^re^ Capt^n^ Gên^ll^ and Gov^r^ in Cheif of y^e^ Provinces of New York, y^e^ Jerseys and Territories thereon depend^g^ in America & Vice admiral of y^e^ Same in Albany 25 Aug 1711

PRESENT—The Honble Lieut^t^ Gên^ll^ Fr: Nicholson Esq^re^
The Hônble Coll Gurdon Saltonstall Gov^r^ of Connecticutt
Coll Pet^r^ Schuyler & the rest of the Commissioners for Indian affairs
The Mayor & Aldermen of y^e^ Citty

Interpreters Lawrence Claese Jan Baptist van Eps M^rs^ Montour

The 4 Belts of Wampum and two Bever Skins which Major Abraham Schuyler brought from the 5 nations in answer to the message of his Excellency by which they signified their willingness to come down and assist in the present expedicôn against canada being brought out his Excellcy told them that he accepted of their return to his Message and as a token of his satisfaction, the said Belts should be kept as a memoriall & Testimony of their obedience and subjection to Her Majesty

Dekannissore Sachim of Onnondage was Speaker

Brother Corlaer meaning his Excellency the Gov
Annadagarriax the Indian name of Lieut^{t} Gên^{ll} Francis Nicholson
Quieder that is Coll Peter Schuyler

We arrived here yesterday when you told us you were glad to see us, & bid us welcome, and that it was gratefull to you to see us so obedient to the Great Queen of great Brittain's command in taking up the Hatchett against the French the Common Enemy We are very glad to see the Honble Lieut^{t} Gên^{ll} Francis Nicholson safe arrived from England, and that he has escaped those two great dangers the Sea and the French Ships of Warr

We are thankfull to our Brother Corlaer for the Present he made us yesterday of Beer, Pipes and Tobacco gave a Belt of Wampum

Brother Corlaer Annadagarriax and Quieder.

We desire that the French praying Indians which were once our Children & are gone from us to live at Canada, if they will be neutral and sitt still in their Castles, or come over to us that they may be pardoned and received again as friends for y^{e} great God would be angry at us if we should destroy those that sue for pardon and forgiveness, and return to their obedience, we know not but some of them may come over to us and meet us at the Carrying place or on the lake.

Brother Corlaer Annadagarriax and Quieder

Wee are now going upon an expedition against Canada and tis very probable we shall not take the Country without fighting we desire therefore to know how we shall behave ourselves towards the French, when we take them Prisoners, it being the Indian Custom to give such Prisoners as are taken of the Enemy, to those families that have lost their relations in battle, who have the sole disposall of them, either to kill them or keep them alive, but you Christian save your Prisoners and exchange them for your people we desire a speedy ans^{r} to this, how we shall dispose of y^{e} French Prisoners, and also how we shall use the Indian Prisoners, we will be obedient to the orders & commands of Lieut^{t} Gên^{ll} Nicholson in this & all other respects, as for our parts We shall be willing to use the Indian Prisoners with the same clemency and humanity as you do your Christian Prisoners

Since we arrived we went to all the Indian Traders and ask^{d} if they went on the expedition to Canada who all tell us they stay at home, we desire they may go along, for there will be no Bevers to be traded when we are gone, and they ought to be a good example to others, for if Canada be taken the Trade of this place will encrease therefore it behoves them to go along by all meanes

We are now a considerable body of Christians and Indians which go to Canada, we desire that matters of this moment may be maturely consulted together, and that nothing may be done rashly without good deberacôn, for as we are Indians we know the ways & methods of the Indians best as you do of the Christians but you are to have the Cheif command which we will obey Our old Sachims are come on purpose to instruct our young souldiers in the Art of Warr we doubt not of being successfull if affairs be well concerted, for we have had long wars but always overcome our enemies at last

Brother Corlaer Annadagarriax & Quieder

You were desirous to know the number of our men which we brought hither and that go upon this expedition which are

Of the Sinekes	180	
Of the Cayouges	127	
Of Onnondage	98	& some more a coming
Of Oneyde	90	besides 20 more
Of the Mohaggs	140	expected from y^e^ South^wd^
Of the Showanoes	26	
	661.	

The rest of our people stay at home to secure our Countrey from the insults of the French and their Indians as the [*Remainder of the sentence torn off.*]

Brother Corlaer Annadagarriax & Quieder

You ordered us likewise to invite the River Indians to go upon this expedition, which we willingly did, and the number of them now ready to march is 98.

We are also desirous to know the number of the Christians that go with us by land, that we may be inform^d^ of the whole Strength & if you cannot count them to night you may give us the account tomorrow, as also the number of the Batoes we fear there are not Batoes enough

It is now in your Power to order the Forces to march when you see convenient, but we desire that when the body of the army moves that Lieut Gên^ll^ Nicholson or Coll Schuyler may march with us, to Prevent all irregularities and enormities that may happen among such a number of men

His Excell^cy^ y^e^ Governors answer

I am glad to find you in the same mind as you came here withall, to march with Lieut^t^ Gen^ll^ Nicholson against the enemy, and I may venture to Promise you by Gods assistance such a result as will Procure you the quiet possession of what you have, Increase of your wealth and long peace to you and your Posterity

Lieut Gên^ll^ Francis Nicholson, being arrived safe from England has brought the Pictures of the 4 Indians that were in great Brittain last year, & gave each Nation a sett & 4 in Frames with glasses over them to be hung up in the Onnondage Castle the center of the 5 nations where they always meet

The Governor proceeded & said

That as for the praying Indians or any other Indians that will submitt & come over to us, or not joyn with the French, they shall be received with open arms, I hope you will do your endeavour to bring them over

Prisoners of Warr are in the Power of the Gên^ll^ He Promises to give you what Indian Prisoners shall be taken and you are to give over the Christian Prisoners which you shall take according to your own Proposall.

As for the Indian Traders all that have a good will to the work will go, & those that have no good will 'tis better to be without them then with them

I beleive the matter of this expedicôn is so well concerted, that there is no doubt of success, neverthelesse the Lieut^t^ Gen^ll^ will be willing to consult your Sachims in matters relating to the Indians, as he did formerly, and therefore it will be requisite that some of your Sachims go along

I am very glad to hear you are so good a number, and as for the number of Christians, that go along with you, you shall know it in the morn^{g}, As for the number of the Fleet & those that goe by sea, those men of yours that were at Boston has been able to give you an account

The Christian Forces are already marched, and the Lieut Gên^{ll} stayed only for your coming, and is ready to go along with you

Brethren

I desire you to hang on the kitle of Warr, there are 5 oxen, one for each nation to be given you forthwith & a Barr^{l} Beer for each Nation and to morrow you shall receive the Present which the Great Queen hath sent you

The Queen has sent me orders in conjunction with Lieut^{t} Gên^{ll} Nicholson, to build Fort Chappels & houses for missionaries in your country, which we shall fall about as soon as the Expedicons is over the missionaries being expected from England speedily there is carpenters & Smiths Tools sent over by the Queen for that purpose

Here the Lieut^{t} Gen^{ll} gave them the Archbishops letter

Now the five nations may plainly see that Her Mat^{y} has granted both their Petitions that is the Reduccon of Canada & to build Forts & Chappells, & plant Missionaries in their Castles & I doubt not but your future Behaviour will entitle you to Her Maj^{ties} further favour and countenance

His Excellency ordered some Coehorn mortars to be fired in the Pasture in the presence of all the Indians, at which they were much amazed hav^{g} never seen the like before

Rob^{t} Livingstone
Secry: for the
Indian Affairs

Proposalls made by the Sachims of the five Nations to His Excellency Rob^{t} Hunter Esq^{re} Capt^{n} Gên^{ll} and Governor in Cheiffe &c in Albany the 26th of August 1711

Present—Coll Kilian van Renselaer Lieut Col Joh. Schuijler
Maj^{r} Dirk Wessells Maj^{r} Abraham Schuyler
Capt^{n} Evert Banker

Interpreters Lawrence Claese John Baptist Van Eps

Brother Corlaer

You acquainted us yesterday that the Great Queen of Great Brittain had granted us our Requests. and had sent orders for building us Forts Chappells and Houses for the Missionaries in our Countrey, & also sent hither smiths tools & Carpenters Tools for that purpose, we own that it was our request and can say nothing to it now, because we are going to the death, meaning the Warr, but if we return then we shall [talk] about that matter The reason why we desired Forts &c was to preserve us from our Ennemies for we were surrounded by the French and Dawaganhaes on all hands

Brother Corlaer the Indian name of the Govr of New York
Annadagarriax the Indian name of Lieutt Genll Nicholson

We are very thankfull to you that you have so great a love for us, & that the Queen has denyed none of our requests, and being informed that our Secry Robt Livingstone (who has a cômission from our Gracious Queen and has with great Pains trouble and charge served in that station for many years last past) is not paid his Salary here, we therefore pray you, that you will both be pleased to us your Endeavours with her Majesty of Great Brittain that he may be paid his Salary there

The 5 nations gave in an account of their men that goe upon the expedicôn, with bundles of Sticks for each Nation in regard some more of their people were come since yesterday and the exact number is

Of the Sunnekes	182	Onnondages.....	99
Showanhoes who are undr	26 the Sinnekes	Oneydes.....	93
Cayouges.....	127	Maquase 147 & 48 in all	155
			682

Signed by
Lawrence Clason
Jan Baptist Van Eps } Justies of Pace

Robt Livingstone Sêcry
for ye Indian Affairs

Albany the 27th of Aug 1711 The following Presents were given by His Excellency to ye five nations who were told that they were sent them by the Great Queen of Great Brittain

Present—The Hônble Lieut Gênll Francis Nicholson The Commissioners of ye Indian affairs
The Mayor & Aldermen of the City

	Hatchets	Fodom. Stroads	Faddom Duffells	Kittles	Looking Glasses	Shirts	Knives	Guns	Gross Pipes	Cases of Lead	Cases Tobacco	Baggs Shot
To the Shinikes and Showanhoes..	102	124	84	25	25	208	208	50	3	6	1	1
To the Mohoggs.....	82	101	54	23	23	155	155	46	3	5	1	1
To the Cayouges	72	77	50	20	20	127	127	40	2	5	1	1
To the Oneydes	52	58	35	16	16	93	93	32	2	4	1	1
To the Onnondages.....	52	59	40	16	16	99	99	32	2	5	1	1
	360	419	263	100	100	682	682	200	12	25	5	5

In all to the 5 Nations 360 Hatchetts 419 Faddom of Stroud Waters 263 Faddom Duffells 100 Kittles 100 Looking Glasses 682 Shirts 682 Knives 200 Guns 12 Gross of Pipes 25 Cases of Lead, 5 Cases of Tobacco. 5 Baggs of Shott.

After the 5 nations had divided their Presents His Excêllcy the Gov Robt Hunter Esqre &c. said

Brethren

I do now engage you to persevere in the Warr, till it comes to a happy conclusion, & do oversett the kittle of Warr, (which is a symbol or token that they are not to desist or leave

off) I deliver you over to the command of Lieut Gen^{ll} Francis Nicholson with whom you are to live and dye, and thereupon give you 5 Belts of Wampum

Which were taken by Dekanissore the Speaker who repeated His Excellencys Proposition & said would make their answer to-morrow

Proposalls made by the Sachims of the five Nations to his Excellency Rob^{t} Hunter Esq^{re} Capt^{n} Generall and Gov^{r} in Cheiffe &c in Albany the 28th Aug 1711

PRESENT—The Hônble Lieut^{t} Gên^{ll} Francis Nicholson
Coll. Gurdon Saltonstall Gov^{r} of Connecticutt

Interpreted by Lawrence Clase and M^{rs} Montour

You told us that we sh^{d} be obedient to the Lieut^{t} Generall Francis Nicholson & should love him & be obed^{t} to his commands, we promise to be true to him & obedient to his commands & will live and dye with him & therefore we desire that we may be united for unity makes strength & we desire further that we may ask one anothers advice, which is the best way to carry on this great design that we may once wholly subdue the French of Canada

You told us also that we were to march to the Enemy to day & you have painted us & you have oversett the kettle of Warr

We desire that the kitle may not be oversett nor turn'd upside down, but remain boyling wh^{ch} is our custom, meaning that the War may continue, but if God please to bless, that we reduce and wholly subdue Canada then it is in your power to oversett the kitle of War and turn it upside down, which is as much to say that the Expedicon is over and then what is boiled in it meaning the Prisoners are at the Disposall of the Lieut^{t} Generall as he shall see cause upon which they give 5 Belt of Wampum

Brother Corlaer Annadgarriax & Quieder

You acquainted us that Her Majesty granted our two Petitions viz the Reduction of Canada, which we hope will succeed and that we were to have Forts Chappells & Missionaries Houses built in our Country & that the smiths and Carpenters Tools were come for that purpose

Which propositions were made to the souldiers who made ans^{r} two days agoe, but not a suitable one, nor to the purpose, Now we Sachims desire that Fortifications Chappells & Missionaries houses may be built, and are extreamly thankfull and gratefull to Her Majesty for her Gracious bounty & Goodness in that respect & shall be glad that Missionaries & Smiths come to live among us, & we are very thankfull to your Excelly & to the Lieut Gên^{ll} Francis Nicholson who have been instrumentall to procure this favour of her Majesty and we hope you will see it effected according to the Queens good will & pleasure, but we do not mean neither do we hope that you will put such a construction upon it that we part with our land, when we tell you that we are glad to have Forts and Ministers there did give 8 Bever Skins

Brother Corlaer

You told us yesterday to be ready to day to march but our Arms are not yet fitted, most of our Gunns & Hatchetts are at the Smiths to be mended as soon as they are done we will sett out

The Governors Answer

I have given you over to the Lieutenant Gên[ll] who you know loves you, and will be as kind to you as to his own children and hope you will be obedient to his Comm[ds]

I consent that the Ketle of Warr may be kept boyling till the expedicôn is over and then it is in the Lieut[t] Generalls Power to oversett it, and he will take care to use you kindly in respect of the Prisoners

It is my great joy to see you hearty and sincere in your desires of having Forts, Missionaries & Smiths, which I look upon as the best and surest way to unite us for ever, and as soon as the expedition will allow it shall be fallen upon but by the building of Forts we lay no manner of claim to the land your Possession shall remain your own as heretofore and the building Chappells and planting Missionaries among you is only designed for the Good of your Souls

All the Smiths in Town are employed in repairing your arms, which we hope will be done tomorrow and so you may be ready to march in the evening for all the Troops are marched and the Lieut Gên[ll] only stays for the Brethren

Rob[t] Livingstone
Secry of the Indian affairs

[New-York Papers; Aa. No. 67.]

Propositions made by y[e] Sachems of the five Nacôns Viz the Maquase, Oneydes Onnondages, Cayouges & Sinnekes to His Excellency Rob[t] Hunter Esq[re] Capt[n] Gên[ll] and Governor in Ch'ff in and over the Provinces of New York, New Jersey, &c

Present — Coll Pet[r] Schuyler one of H Maj[tys] Councill
John Cuyler. Peter van Brugh Hend Hansen } Com[rs]
John Schuyler Mynd. Schuyler Joh[s] Roseboom }

D'Kannissore speaker

When the French were in our countrey last they desired us, that we should not accept of the Hatchett when Coll Nicholson should arrive from great Britain, which we have promis'd not to do, but it is only to satisfy y[e] French for dissembling we have learnt of them (this was spoken privately being some Indians of the French Faction were p'sent.)

Brother Corlaer & Quieder

We are arrived here all the five nations when the Deputies of the Gov[r] of Canada were among us, they desir[d] us not to accept of the Hatchett when offered to us, which we promised, and they propos'd that Christians should fight Christians, We likewise desired that Christians shall sit Still, especially those of Albany and Mountreal seeing there are always of our Indians in both Places who would have a great loss by a war

Brother Corlear & Quider

This is the Proposition which we have promised to the Governor of Canada's Deputies we are not like you Christians for when you have taken Prisoners of one another you send them home, by such means you can never rout one another, We are not of that Nature, When we have war against any nation, Wee endeavour to destroy them utterly. Gave ten Bever Skins

Brother Corlaer & Quieder

The French who have lately been in our Castles came unawares upon us, they desire to have liberty to build a Block House in our castle which we granted them being that we had no Powder to withstand them for Powder is the cheif thing to war with and wanting among the five Nations and that they should let us live, and when this House was most finished Coll Schuyler came with orders from your Excellency to break the said House down to whom we gave that liberty

Brother Corlaer & Quider

The Queens arms are brought among us to hang in our Castles, but those arms cannot defend us & the enemy will not be afraid of them, what we want is Powder to defend ourselves against the common Enemy

Brother Corlear

We have from time to time desired all Governors, that goods should be afforded Cheaper but was never promised us, We desire your excellency to derect the Traders to afford goods cheap^{r} (We desire this because you desired that y^{e} House should be broke down wherein we thought to have lived a day longer) for if you order that, it will be done, We do not desire it of Quider, but of you, for he must obey your commands if you do not order this, We will be as pour as dogs, do not say that it is not in your Power to grant the request.

I speak in the name of all the five nations what is spoken and to be said, the Presents which are given to us is if you did take them and throw them in the water, being we are so numerous and every one gets so little thereof, but let goods be afforded Cheaper then we shall have benefit thereby and if granted the old & young men of our nation shall be trusty to her Majesty

I desired you just now that goods may be afforded cheaper, and do it again, for the last time that you may have compassion over us, which if not graunted, We will be as poor as dogs, and shall be necessitated to leave our Castles and be no more a nation, if you have compassion with yourself, and us, let Powder above all be afforded cheaper, all this was concluded by us before we departed from our castles Gave ten Bever Skins.

Brother Corlaer & Quieder

This is the last time that we shall desire that goods may be afforded cheaper, and if not graunted we the Sachims will have no more to say or command over our young men then dogs, you know dogs cannot speak

After the foregoing Proposition was made D'Kanasore said he had forgot to acquaint his Excellency that there are no French among the five Nations

His Excellency's answer to y^{e} said Sachims

Brethren

I take this to be an assurance in the name of the five nations, that as they are joined with us in one Interest by one Covenant Chain that they will keep true and faithfull to the same and run the same Fate with us upon all occasions and punctually obey all such orders as they shall receive by me from the Great Queen

1st I thank you for communicating so sincerely what pass^{d} between you and the French Deputies nevertheless I expect and promise myself that nothing shall be able to turn you aside, from that duty & allegiance and obedience you have so often promis^{d} to the Queen

2d I take this to be an Insinuation of the French in order to frighten them from their duty, but I know them to be men of courage and will not be freighted by big words especially seeing whilst they remain faithfull and true, they are well assured of being protected and seconded if attaqued the Falsehood of the French appears in this that at the same time that they propose that only Christians should fight Christians, they have sent for the farr Indians to engage ym in a Warr against both Christians and Indians, which is well known to them, and for that reason I desire that none of you may go abroad to make a needless warr when you may perhaps have occassion to wage War near home

3 The Queens arms are only a sign of Her Sovereignty which I hope they will continue to own and defend against all such as shall make any attempts against it, and that may be the better enabled so to do, I have grantd their request and ordered to each nation a good quantity of Powder and lead for that purpose

4 That I am sorry their Furrs bear so low a price the warr is the occassion of the falling of Price of all such goods, for what they may have occassion to purchase of the people here effectual care shall be taken for the future that none of them shall be cheated or overcharged so that whoever thinks himself hardly dealt with by the handlers has nothing to do but to apply to the Commissioners of the Indian affairs here who have orders to see justice done them and to punish the Offenders, and to prvent all such abuses for the future, I desire that they may always incamp upon the hill or in some convenient place near the Town untill such time as conveniencies be built for them from whence they can go from House to House in the Town & sell their Goods to the best bidder, without lying under the Tyranny of their Landlords who as I have heard have used them ill

Albany 10th 1711

Propositions made privately by some Sachems of ye Maquase, Oneydes Cayouges @ Sinnekes to His Excelly Robt Hunter Esqre Captn Genll & Gov in Cheif in and over the Provinces of New York, New Jersey &c at about 11 oclock at night

Brother Corlaer

I[n] publick Propositions to your Excellency this day we acquaintd you what the French messenger had desird of us, to have liberty to build a house in our Country, and that we should not accept of the Hatchett when offered to us, which we granted and promised ym out of fear, but not out of inclination and with an upright heart for he always dissembles and so we will to him but we do assure you, that we shall always be ready at your commands on any occasion, and keep to the ancient Covent Chain

We have told the Govr of Canada that only Christians should fight Christians, Brother You may be assured that we shall be ready on all occasions where you'll command us to go We told him this to put him off and satisfy him, why should we be trusty & true to the Governor of Canada, he has had severall times war with us and slain of our people but we never had any dispute or difference together, and are with you one body, if one joynt is wounded the whole body is full of Pain

His Excellency made ym the following answer

Brethren

I am very well satisfied in the declaration you have made @ assure you of all the Protection that this Government can give you and keep to the ancient Covenant Chain I trust to you all

who are here present to acquaint this Government for the future with all the Proceedings of the French among you the five Nations and in confidence thereof have ordered you to be given *a private Present tomorrow*

Examined by

PHILLIP LIVINGSTONE
D Secry of Indian
Affairs

General Hill to Governor Hunter.

[New-York Colonial MSS. Albany, LVI.]

From on board her Maj^{tys} S Windsor
25th August 1711 at the River of S^{t} Laurence.

S^{r}

You must prepare your Self to hear a melancholly account of the disasters that have happend to us, after a tolerable good passage from Nantucket Bay to the mouth of the River S^{t} Laurence, which wee performed in a reasonable time. The wind came up at ESE the 22^{d} of this month, fresh gales, the fairest that could blow for going up the River, but a great fogg coming on obliged the Admirall to make the signall for lying bye till day light, by what accident, whether Tide or Current, I cannot pretend to tell you, being no Seaman, wee fell in with the North Shore about half an hour after tenn at night, and lost eight of our Transports, besides a Ship Laden wth provisions: The Men of Warr for the most part very narrowly escaped, especially the Windsor, which lay day and night, within less than pistoll shot and between two breakers, where she must unavoidably have perisht if it had not fallen Calme, and the Wind the very moment Wee dropt our Anchors, come right off the Shore, which was not above Half a League from us.

The next day and the day after we were employed in gathering from the Shore the Scattered remains of Almost Six and twenty Companys of Seamours, Kanes, Claytons, and Windness's Regiments which wee find are all perisht to a very Small Number that we have Saved and are now Saving, for the knowledge we already have of those lost amounts to one thousand.

The Admirall and Captains of the Ships of Warr since this Misfortune finding unusuall Tides and Currents so farr as Wee are come in this River and Expecting worse the further we go held this day a Consultation by the inclosed Coppy of the result of which You will find that they were unanimously of opinion that the River is wholly Impracticable by reason of the Ignorance of the Pylotts which were given us at New England therefore Since Wee are to be governed by their Judgments in the Navigating part and can consequently proceed no further on the Execution of her Majestys Comands at Quebeck, the Land Officers under my Comand are of the opinion that we Should forthwith return to Spanish River and their Consider, what may be further attempted for her Majestys Service and I desire you will with all imaginable hast send an Express to M^{r} Nicholson wth the inclosed Letters for his acting or returning, with the fforces under his Comand to N. York as he shall think most for the Service.

What method you and M^{r} Nicholson will find for informing the Indians and keeping them in the Queens interest I must leave it intirely to Your Judgment & Management

I am soe much afflicted with the present Calamity of our troops that deserv'd a better fate, that I have no other support but the thought of this being a Stroake of Providence must be submitted to, and that I know not any one thing in my own Conduct since I enterd upon this Command, wch can give me the least uneasyness or fear of Reproach. I am D^r^ S^r^ with the greatest truth and sincerity

Y^r^
most faithfull ser:
J Hill

Conference between Governor Hunter and the Indians.

[New-York Colonial MSS. Albany, LVI.]

Present—Leiv^t^ Gen^ll^ Nicolson The Commiss^rs^ of the Indian Affairs

Proposition made by the Sachims of the 5 Nations to his Excellency Robert Hunter Esq^r^ Cap^t^ Generall and Gov^r^ in Cheife of the Provinces of New York New Jersey &^c^ in Albany the 9^th^ October 1711

D' Canasore Speaker

Brother Corlaer annadagariax & Qùieder.

Yesterday we told you what we had then to Say. now only ad that this Citty and Schinnechtady may be fortifyd with all Speed being open, and if the Enemy should Surprize yow they might take the Towns with ffifty Men.

The Reason why we Say you shall fortify your Cittys being we see god is against us and that we shall Receive the first Punishment from him for we Cant go forward to Reduce Canada having Returned twice,

This is all what we told you yesterday we had to propose, and were Ready to returne home this morning only that two of Each Nation should Stay

His Excellency answerd them

Brethren

It is evident that no part of this miscarryage can be imputed to any want of duty or Readyness in yow or diligence or forwardness in us, So I shall take Effectuall Care that an Enemy who So lately Trimbled at the name of us shall not dare to assault any of yow or us, For that purpose the guards upon these fronteers shall be increased forts forthwith built one in the mohaks Castle, and people prepareing Necessarys to build another at Onnondage in the Spring w^ch^ shall be garrisond by forces from hence where yow may retreate to in time of Danger there shall Smiths be sent for yow and as soon as Missionaries arrive from England they shall be Sent among yow I take it very kind for your Care of this place & Schinnechtady, having already orderd for the fortifying of them,

I know not what Resolution the great Queen shall take for the Renewing of this Expedition but hope that yow will be in Readyness if it shall be again intended.

I have been informed that Many of your people have taken horses Belonging to New England and this place, w^{h} I desire may be sent back and that many Catle is kild by them tho' they have been in no want of provisions w^{h} I impute to your young men and Exhort you to forbid them not to do so any more for the future

as to the Garisons which shall be Planted among yow I desire that yow may Live Like Brethren with them, seing they shall be your defence and Security

Touching the houses yow desire to have built upon the hill for yow to Lye in, they Could not be made since the time yow departed from hence but I shall take Care to Lay your desire before the Assembly, that they may be built and the Traders not Impose on you any more

I make no doubt but yow will be true to her maj^{es} alligence that yow may Expect all Imaginable Support from her and So Còmand yow to the protection of almighty god Gave a Belt of wampum and one Barrel Beer

Hendrick the Mohocks Sachim Stood up and gave his Excell^{cy} a Letter for his grace the Lord arch Bishop of Canterberry and Said

We are thankfull to the Great Queen for her Great Care She takes to convert us to the Christian Religion gave a belt of wampum, and thankd his Excellency and Liev^{t} Gên^{ll} Nicolson for the Great Trouble they have taken in this Affair, and doubt not but they shall see this necessary work Effected and desire that Gên^{ll} Nicolson will be pleased to deliver that Letter and lay our wants before our father his Grace the Lord arch Bishop of Canterberry and Gave one Belt of wampum

Brother,

Yow desire that we should live in peace and friendschip with those yow shall order for our guard & Security w^{h} we promise to do for we are on head one heart &^{c}.

A True Copy Examind

P^{r} Philip Livingston D Secr
of the Ind: Afairs.

Contract to build Forts in the Mohawk and Onondaga Countries.

[New-York Colonial MSS. Albany, LVI.]

This Indenture had Made and Concluded at Albany in her Majesties Province of New York in America this Eleventh day of October In the Tenth Year of y^{e} Reign of Our Sovereign Lady Anne over Great Brittain ffrance and Ireland Queen defender of the faith &c and in y^{e} Yeare of our Lord One thousand seven hunder and a Eleventh Between Robert Hunter Esq^{r} Cap^{t} Gèn^{ll} and Governour in Chief of y^{e} aforsaid Province And y^{e} Hona^{ble} Coll^{o} Francis Nicholson of the one part And Garet Symonce Barent Vroman Hendrick Vroman John Wemp and Arent Van Petten of Schenectady in the County of Albany in the forsaid Province of New York Carpenters of the other part Witnesseth That it is hereby Agreed between the said Partyes to these presents that y^{e} said Garet Symonce Barent Vroman Hendrick Vroman John

Wemp and Arent Van Petten shall Build two forts in the Indian Country According to y^e^ Argeement herein after Set forth Viz: the said Garret Symonce Barent Vroman Hendrick Vroman John Wemp and Arent Van Petten Doe for themselves their Heires Executors and Administrators Covenant and agree to and with the s^d^ Robert Hunter Esq^r^ Governour as aforsaid and the said Coll^o^ Francis Nicholson their Heirs Executors and Administ^rs^ that they y^e^ said Garet Symonce Barent Vroman Hendrick Vroman John Wemp and Arent Van Petten shall and will forthwith Repare into the Moehoques Country and there Build a ffort One hundred and fifty foot square the Curtains made with Loggs of a foot Square Laid one upon another and pined together till they Reach the hight of twelve foot Att Each Corner a Block house twenty four foot Square Two Storyes high Duble Loopholes the Rofe to be Covered with Boards and then Shingled the undermost part or Ground room to be nine foot high the Upper Eight foot both well floured with Boards the logs of y^e^ Block houses to be nine Inches Square and Bedsteads and Benches In Each B[l]ockhouse for twenty men and in each Block house a Chemney towards y^e^ Inside of y^e^ said ffort with Scaffolds five foot wide along Each Cortain from one Block house to another And also a Chaple in the Midle of the ffort of twenty four foot square one Storye Ten foot high with a Garret Over it well Coverd w^th^ Boards & Singled & well flowrd A Seller of fifteen foot Square under it Covered with Loggs and then with Earth The whole Chaple to be well floured PROVIDED always that the said Garret Symonce Barent Vroman Hendrick Vroman John Wemp And Arent Van Petten are allowed time for the Completing this work till the first day of July Next Ensueing And only Obliged hereby to finish one Block house in Manner as aforsaid for Immediate Service in y^e^ Mohocks Country this Wintter AND ye said Garet Symonce Barent Vroman Hendrick Vroman John Wemp And Arent Van Petten doe also for themselves their Executors and Administrators further Covenant and Agree to and w^th^ y^e^ said Rob^t^ Hunter Esq^r^ Governor as aforsaid And the said Coll^o^ Francis Nicholson That they y^e^ said Garet Symonce Barent Vroman Hendrick Vroman John Wemp and Arent Van Petten will soon after they have finished the aforsaid worke in the Mohocks Country Repair to Onnondage and there Build Another ffort Chaple and Block houses of the Same Dementions and under the same Restrictions and Directions as y^e^ aforsaid ffort Chaple and block houses in the Mohocks Country Excepting Only that y^e^ Chaplee and Block houses in Onnonge may be singled upon Laths Instead of Boards & y^e^ ffort Chaple and Block houses may be made of such Logs as may be most Conveniently got there PROVIDED they are good and sufficient for that Service and the flores to be Laid w^th^ splet wood, in y^e^ place & stead of Boards PROVIDED at all times that if by any Insults of the Enemy or Outraiges of y^e^ Indians The said Garet Symonce Barent Vroman Hendrick [Vroman] John Wemp and Arent Van Petten should at any time be hindred in their performance of this Argreement That they be paid and allowed for what work and Expences they shall at such time have been at and performed in proportion to y^e^ whole undertaking AND y^e^ said Rob^t^ Hunter Esq^r^ and y^e^ Coll^o^ Francis Nicholson Do for themselves their Executors & Administrators in Consideration of the work to be performed as aforesaid Covenant and Agree to and with y^e^ said Garet Symonce Barent Vroman Hendrick Vroman John Wemp and Arent Van Petten And their Executors Admin^rs^ and Assignes That they y^e^ said Robert Hunter Esq^r^ And Coll^o^ Francis Nicholson or their Executor or Administrators Shall and Will pay or cause to be paid unto the said Garet Symonce Barent Vroman Hendrick Vroman John Wemp & Arent Van Petten their Exect^rs^ or Adminis^rs^ one thousand pounds Current Money of New York at y^e^ severall times and in Such proportions as is herein after Exprest Viz One hundred pounds in a Bill of Exchange Within ten day after y^e^ Date hereof four hundred pounds more

when they shall have finished the aforsaid agreement for the Mohocks Country and five hundred pounds more Like Money when they shall have Completed the whole before Recited Argreement of Onnondage the Bill of Exchange to be Drawn payable at thirty days sight The said Garet Symonce Barent Vroman Hendrick Vroman John Wemp and Arent Van Petten hereby obligeing themselves their Executors Administrators and Assigns to the y^e^ Effectuall finishing the said ffort Chaple and Block houses At Onnondage by the first day of July which will be in the Year of Our Lord one thousand seven hundred and thirteen, IN TESTIMONY whereof the Partyes to these presents Interchangeably sett their hands and Seales the and Year first above written.

Signed Sealed and Delivered in y^e^ Presence of
K. V. Rensselaer
Myndert Schuyler
Rob^t^ Livingston Junior

his
ARENT VAN AP PETTEN JAN WEMP HENDRICK VROMAN
mark
BARENT VROMAN GARRET SYMONCE

Commissioners of Indian Affairs to Governor Hunter.

[New-York Colonial MSS. Albany. LVI.]

Octob^r^ y^e^ 20^th^ [1711.] Cap^tn^ Johannis Bratt and David Ketlin was going from their houses, towards Skacktege, Where y^e^ Indians live; they mett an Indian with his Gun on his Shoulder, David Ketlin spoak to him; in the Indian Language; ask't him; where he was agoing; he answered, A hunting, Ketlin Askt him why he went alone he said his Comp^y^ was in the Woods Ketlin went towards Cap^tn^ Bratt, Saying in Dutch, that he did not know that Indian, the Indian seeing him speak to Bratt, Cockt his Gun; and Shott Bratt dead on his horse, Ketlin run at the Indian, as he was going to strik him with his Ax, and gott w^th^in the Ege of the Ax, The helve hitt him on the shoulder; he threw the Indian down, and in the fall Ketlin; gott the Ax in his left hand, the Indian told him that he must dy; for their was twenty ffrench Indians on each side of Hudsons River; Ketlin told him, that he should dye first, in shifting the ax to his right hand; the Indian gott clear Ketlin run after him, with the ax to kill him; A Vine caught him by the foot and threw him down, so the Indian gott clear; Ketlin brought the Indian's Gun and Ax home; he got some people together, and went for the Corps, which was brought to Albany the 21 Ketlin with his family, and his Brothers wife, and two Children and three Soldiers Staid at his house that night; about 12 o'clock, he heard some body knock at his door; he askt who was there, an Indian Answered him; it is I; open the door; he askt the Indian, in y^e^ Indian Language, Where are You come from, he Answered from the other side of the River; Ketlin said may be you will cheat me; the Indian said no, open the door Ketlin open'd his door; the Indians fired six Shot at him, As soon as he appeard, his Son a boy of Sixteen Years old; and the three Soldiers took their Arms and an Indian Boy that was in the house and ffired on the ffrench Indians, and kept them out, till the Indians sett the house

on fire, which forc't them out, one of the Soldiers went out first, the Indians fired two shot at him, as he came out; And killd him; At the same time, another of the Soldiers run by; six of them pursued him, and took him prisoner; the other Soldier fired out of the door and endeavoured to get clear, they shot him dead, As he fell a Negro boy run by, the followed him and took him; Ketlins Son fired severall Shott, till he was Shott thro' the shoulder; he came out and they took him Prisoner, when they was laying hold of him, the Indian Boy run out, they shot him thro the left side of his breast and thro the fleshy part of his Arm; he still run from them and made his Escape into the bushes, then the two women came out asking for Quarters, Ketlins Wife So bigg with Child that she could Scarcly walk; his Brothers Wife with a Young Child in her Arms; They took the two Women Keltins Son a Soldier and two Negroes prisoners, the sett fire to the Barn and Barricks of Corn; then went away; about a Quarter of a Mile from the house, Where they Murdered the Woman with Child and stript her naked, she had Severall Wounds, they struck her in the Neck with an Ax which cutt her head almost off; And they took her Scalp off; About a hundred Yards further; they kild the other Womans Child that was at her breast, the dasht the Childs, brains out against an Oak tree, and the hung it by the neck in the Clift of the Tree, They Scalpt the two Soldiers, part of David Ketlin's body and part of his Bro^{s} Child was found in the ashes and rubish of the house the rest of his body being burnt Part of the body of the ffrench Indian was found in the Ashes of the Barn, And the body of another hid in the woods covered with leaves and Old Sticks, and the head of another was found

this Acc^{t} of the acton we have from the Indian boy that made his Escape; and from an old Lame Indian that lived near Ketlins house; When he heard the Guns fire he Crept out of his Wigwam and gott under an old ffallentree, And heard all that past; the Account of the Corps that was found and what wounds they had we have from Cap^{tn} Jacobus Skoonhoven of the half Moon who went up the next day, And buryed the two Soldiers And what part he found of Ketlins body, and brought the Corps of the Woman and Child to town; one of the Soldiers had Seven Wounds, the Corps of Cap^{t} Bratt and David Ketlins wife was buryed together y^{e} 24; they were own Brother and Sister, and the Child of Dan^{ll} Kettlin that was hung in the Clift of the tree;

Lords of Trade to Governor Hunter.

[New-York Entries, H. 426.]

To Colonel Hunter.

S^{r}

Since our letter to you of the 29th of June 1711 (a Duplicate whereof is here inclosed) We have received four from M^{r} Clarke Secretary of New York, Dated y^{e} 28th 30th & 31th of May and 7th of June last, with several papers referred to therein, and shall return particular answers to the said Letters on the first opportunity.

Whereas there are several Clauses in Your Instructions that have not been complyed with, and which are necessary for our Information, in order to our laying a State of the respective Provinces under your Government before Her Majesty from time to time as the nature of the

thing may require, We find our selves obliged to mention some of the said clauses to you as we do to all y^e^ rest of the Governors, that answers may be returned thereunto, pursuant to your said Instructions. The said clauses are as follows viz^t^

That Clause relating to Accounts of the Revenue, to be transmitted half yearly or oftner &c^a^

The Clause requiring you to transmit an account of all Courts, Officers &c^a^

The Clause relating to Tables of Fees

The Clause requiring an account of the number of the Inhabitants, men, women and children &c and how many of them are fit to bear arms.

The Clause requiring an Account of Births and Burialls.

The Clause relating to Arms, Amunition &c^a^.

The Clause requiring an Account of the strength of your Neighbours, and what Correspondence you hold with them.

The Clause relating to the wants and defects of the Provinces.

This being all that we have to recommend to you at present, We bid your heartily farewell.

Your very loving friends — Winchilsea — Ph. Meadows

October 26 1711. — R. Monckton — Geo. Baillie.

P. S. Two Acts having been pass'd last Session of Parliam^t^ the one entituled, An Act for the encouragement of Trade to America, The other entituled An Act for the preservation of White and other Pine Trees &c^a^ We send you both y^e^ said Acts here inclos'd which you will cause to be published and duly observed in y^e^ Provinces under your Governm^t^.

Petition of Captain John Evans.

[New-York Entries, B. H., 441.]

To the Queen's most excellent Majesty

The humble petition of John Evans Capt^n^ of your Majesty's ship the Defiance

Sheweth

That your petitioner being Commander of the Richmond Man-of-Warr in the year 1693. was sent to attend the province of New York in America, where he continued almost six years, and performed considerable Service for the benefit of that Colony.

That Coll: Benjamin Fletcher then Gov^r^ of New York in consideration thereof and of five hundred pounds paid to him by your Petitioner, in lieu of his established fees upon grants of lands, by letters Patent under the great seal of that province, granted unto your Petitioner and his heirs, a large tract of unappropriated land called Murderers creek containing 18 miles in length fronting on Hudson's River, and 30 miles backward which had been bought by Coll Dongan when Gov^r^ of New York from the Indian natives for seventy pounds. On which tract your Petitioner expended great sums of money in clearing several places for Farms, and planted several Familys of Scots and Irish under Annual rents, intending to retire thither himself, when there should be a happy and lasting peace.

That after Coll: Fletcher and your Petn'r being commanded from New York to Engl[d] the late Earl of Bellomont next succeeding Gov[r] of that Colony, having conceived some prejudice to them both, and designing to take to his own use and profit several tracts of land which had been granted by Coll: Fletcher to Your Petitioner & others in order thereunto, procured an Assembly to be chosen of Ignorant, necessitous and profligate persons (most of them Dutch) who by his direction passed an act, Intitled: an Act for destroying extravagant grants made by Coll: Fletcher, whereby Your Petitioner was stript of his lands and improvements, but the said act being sent over for the confirmation of the late King William the third, His Majesty upon a true representation of the ill practices used to obtain that Act, refused to confirm it, but not rejecting it, the same continued in force, till repealed by a subsequent Law.

That upon the arrival of the Lord Viscount Cornbury to that Govern[t] the inhabitants of the province, thinking their Titles precarious whilst such an Act remained in force, applyed for redress to the first Assembly conven'd by His Lordp, who by another Act, unanimously repealed the said Act passed during the Earl of Bellomonts administration, whereby Your Petitioner was restored to and enjoyed his lands, till Your Majesty sent a great number of Palatines to New York, when Your Maj[ty] having not been truly informed, how those Acts were obtained, was prevailed on to confirm the Act of Assembly made in the Lord Bellomont's time, for destroying Coll: Fletcher's Grants, and to reject the said Act of Repeal passed in the Lord Cornbury's time, and to grant Your Petitioner's lands to those Palatines, by which means your Petitioner, who has been in your Majesty's sea service, during your whole Reign & faithfully discharged his trust, is deprived of his property, and of an Estate for which he had been offered ten thousand pounds sterling money in England, without being heard in his defence or having the least notice thereof, till at his late return from the Straights, he was informed of it to his great surprise—

Your Petitioner therefore must humbly prays, that Your Majesty will be graciously pleased to restore him the said Tract of Land (there being other unappropriated lands in New York sufficient to receive the Palatines) or to give Your Petitioner an equivalent for it.

And your Petitioner shall ever pray ettc.

Nov[r] 1. 1711.

Governor Hunter to Lord Dartmouth.

[New-York Papers, VI. No. 42.]

My Lord.

On Tuesday last a French fisherman brought into this harbour the poor remains of Her Majesty's ship Feversham's crew, which with the three transport ships loaden with provisions for the expedition was cast away upon Cape Britton the 7[th] of October in the night; all the Officers except the Lieutenant & Master are perisht & only fourty eight, of one hundred & fifty saylors, saved.

Since the fatal miscarriage of the intended expedition our fronteers have been infested, and two familys cut off by the French Indians. I have put them into the best posture I can, in such poor circumstances as this government at present is, & shall do my best in that & every thing else for her Majesty's service.

Inclosed your Lordship will receive the Address of the Council & Assembly of this Province for renewing the expedition, if her Majesty so pleases; God grant it better success; but it is necessary wee have here more timely notice if any thing is to be provided on this side. I know the winds prevented our last advice, for the fleet arrived much about the time her Majestys orders came to my hands.

Sending this by an uncertain conveyance I shall trouble your Lordship no further than to let you know the affairs of her Majesty's government go on at the same rate in the Assembly here as formerly, & not the least glympse of hope of a revenue, or their ever being on a better foot by any means here. I shall endeavour to maintain Her Maj^{tys} right, let my sufferings increase never so much, & by that means endeavour to merit the honour of your Lordship's patronage and that of subscribing myself

My Lord

Your Lordships most humble
& most obedient servant
(signed) Ro. Hunter.

The men of the Joseph & Mary transports are all saved; the Master & five of the Neptune's men are lost.

New York Nov^{r} 12. 1711.

Lords of Trade to Governor Hunter.

[New-York Entries, LIX., H. 448.]

To Colonel Hunter

S^{r}

We are now to answer your Letters of the 28th of November 1710, the 7th of May and 12th of September 1711.

We laid the last year before Her Majesty what you then writ in relation to the obstinacy of the Assembly of New York, in not setling a Revenue for the support of that Government. Whereupon a Bill was then ordered to be brought in to the Parliament here, for raising and appropriating such a Revenue, but the Parliament rising before that Bill could be perfected, nothing was then done in that Matter, We have now again laid before Her Majesty what you write upon the same subject in your letter of the 12th of September last, and since the Assembly of New York persist in refusing to grant such a Revenue as usual, for the support of that Government, we doubt not but proper measures will be taken here for fixing that matter for the future

As to the Assemblys pretence, that the Council cannot amend a Money Bill, it is groundless and will not be allowed of here, the Council having an equal right with them in granting of money, there being nothing in Her Majesty's Commission to you, under the great Seal of this Kingdom to the contrary, by virtue of which Commission they only sit as an Assembly, and therefore you will do well to acquaint them herewith, that they may no longer insist upon what is so ill grounded.

It was a wrong step in the Assembly to make a Bill for the disposing of the Stores at Albany, which they had no right to, for when any money is given to Her Majesty and appropriated for buying of stores, and the money accordingly applyed, they ought not by a subsequent Act, to pretend to divert it to another use. This was never done by the Parliament here, much less ought the Assembly to assume the power of Disposing of such stores as had been sent over by Her Majesty, which is such a presumption as is unpresidented in any other Assembly in America, and therefore the Council were very much in the right not to agree to the same.

You have done well in endeavouring what in you lies to heal the Divisions and to reconcile the animosities between the parties there. And we hope that by your prudent behaviour you will in a great measure effect so good a work.

We have laid before My Lord High Treasurer what you write in relation to the progress made by the Palatines in preparing of Trees for the production of Tar, and when we know what shall be ordered thereupon we shall not fail of giving you timely notice thereof, and as you take Notice y^{t}, besides the Tar already made, there are Kilns ready to set on Fire, so soon as Casks can be provided for it, we desire you to inform us how and out of what Funds those Casks are provided.

We are glad to perceive that the ffort the French were building in the Onandage Country is demolished, and we hope that by your Conferences wth and prudent management of those Indians you will be able to keep them so steady in Her Majesty's Interest that they will not permit the French to attempt the building of another ffort, or to reside amongst them.

The want of Presents for the Indians will we doubt not have been fully supply'd by those Colonel Nicholson carryed over with him.

We have laid before Her Majesty what you write in relation to the Invalides at New York, and shall give you notice of Her Majesties pleasure thereupon, as soon as it is communicated to us.

We have had under consideration what you write in relation to the Jerseys, and are endeavouring to remedy the Inconveniencies you complain of from the obstinacy of some of the Council.

So we bid you heartily farewell

Your very loving friends

WINCHILSEA
PH: MEADOWS
ROB^{t} MONCKTON
CHA: TURNER
GEO: BAILLIE
ARTH: MOORE
FRA: GWYN

Nov^{r} 13th 1711.

P. S. We desire to know where the Staves & Hoops for the Tarr Barrells are provided, and what those Barrells cost when made up.

Representation of the Lords of Trade to the Queen.

[New-York Entries, II. 452.]

To the QUEEN'S MOST EXCELLENT MAJESTY.

May it please your Majesty.

Since your representation to your Majᵗʸ of the 16ᵗʰ of Febrʸ last, concerning the difficulties Coll: Hunter, Your Majᵗʸˢ Govʳ of New York had met with from the Assembly of that province in relation to his procuring a Settlement of a Revenue for the support of the Governᵗ there, we have received letters from him dated the 7ᵗʰ of May and 12ᵗʰ of Septʳ last wherein he gives us an account, that being detained in your Majesty's province of New Jersey, longer than he expected, he was obliged by order from thence to prorogue the Assembly of New York to the 3ʳᵈ of April and finding that the members were not then come to town, he further prorogued them from time to time, till there was a Quorum, when they met they adjourned themselves, waiting for the rest of their members.—

On the 12ᵗʰ of April the Govʳ sent for them, and recommended to them the settling of a suitable support for Your Majᵗʸˢ Governᵗ there, the finding out means to restore the public credit, and the providing for their own security on the frontiers—

After this, they sent to desire a copy of his Commission, and of such instructions, as related to his doing acts of Governᵗ, whilst out of the province, upon which he laid before them one of your Majesty's instructions, whereby the president of the Council is entituled, to half the salary and the perquisites, only when the Govʳ shall be absent from both the provinces, which implyes, that whilst he is in either of them, he was not to be looked upon as absent from his Governᵗˢ; He likewise laid before them an extract of a letter writt him by this Board the 23ʳᵈ of December 1709, signifying to him "that the opinion lately started in his Governtˢ viz: that "if he sent any orders to New Jersey relating to the affairs of that Province whilst he is "resident at New York, they are of no force, and the same of his sending orders from "New Jersey to New York was groundless and unreasonable, the contrary being practised "every day here, by the Lords Lieutᵗˢ of Counties, and particularly by the Lords Lieutenants "of Ireland, who frequently send orders into Ireland, whilst they are resident in this Kingdom." Notwithstanding this and what the Govʳ said to them upon this matter, the speaker told him that it was the opinion of the house, they were dissolved by his prorogueing them whilst he was in Your Majesty's Province of New Jersey and that therefore they resolved to go home; whereupon the Governor took the advice of the Council who were of opinion that it was more expedient for him to dissolve them than to let them do it themselves, which he did accordingly.

And upon this occasion he represents to us that the Officers of the Governᵗ are starving, the Forts on the Frontiers in a ruinous condition, the French and their Indians threat'ning them with their invasion, no public money or credit on the publick account and all the necessary expences of Governᵗ supplyed by this proper credit particularly fire and candle and repairs for all the Garrisons. Under these difficulties he labours and fears, that if he call a new Assembly, they will either be the same members, or such as will come with the same intentions. The resolutions of putting themselves on the same foot with the Charter Governᵗˢ being too general, to be allayed by any measures that can be taken there.

In this foresaid letter of the 12ᵗʰ of September he informs us.

That a new Assembly having been called all the same Members except one, were again elected.

That the day after they had resolved to take the part of his speech, relating to the support of the Govern^{t} into consideration, they addressed for a prorogation, upon which he observes that so long as the members hold their Elections by no other Tenure than that of saving the Publick money (as we more fully represented to your Maj^{ty} by our foresaid report of the 16th Febr^{y} last) there is nothing to be depended upon from them on that head.

That when through inadvertency or design there happen some mistakes in their Acts, which renders their passing the Council impossible, he had no remedy left but after a first reading in Council to return the said Acts privately to the Speaker as if they had not been read, with a request to amend them in their own house for they will not admit of any amendment from the Council, tho' but of one word in what they call a Mony Bill, tho' the safety of the whole depended upon it, which conduct he was obliged to follow or baulk the late expedition.

This being the State of the difficulties the Gov^{r} has met with in relation to the procuring of a revenue for the support of that Govern^{t}, and we having reason to believe from their proceedings that they are not likely to settle such a revenue, we humbly offer that provision be made by Parliam^{t} here for that purpose—Which is most humbly submitted

WINCHILSEA, PH: MEADOWS,
R MONCKTON, CH: TURNER,
G BAILLIE, A MOORE

Whitehall 13th Nov^{r} 1711. FR: GWYNN.

Mr. Lowndes to Secretary Popple.

[New-York Entries, H. 458.]

Sir.

Whereas my Lord Treasurer has received a letter of the 13th inst from the Right Hon^{ble} the Lords Commissioners for Trade and Plantations acquainting him that Coll: Hunter Gov^{r} of New York by letters of 12. Sept^{r} last informs their Lordp^{s} of some progress made by the Palatines in preparing of Naval stores and that the design of making those Stores there is in a very hopeful way and therefore hopes it will be supported but that he has not as yet had any returns of the first bills drawn by him for about half a year's subsistance of the said Palatines ending 24. June 1711. according to a scheme inclosed in their Lord$^{p's}$ said letter; My Lord having had the said letter under consideration and also some observations made by the Earl of Claredon on two former letters of the said Coll Hunter written to the Lord Dartmouth on the same subject, I am cômanded to transmit to you a copy of the said observations which My Lord desires you to lay before the Lords Commissioners for Trade with His Lordship's request that they will be pleased to peruse the same, and let him have the state of the affair relating to the said Palatines sent to New York, what Accounts their Lordships have of their real numbers and of the application of the 10000 pounds which has been already paid to Coll: Hunter or his order for them, what agreement or promise was made on Her Majesty's behalf in relation

to their subsistence, together with their Lordps opinion what sums they think may be further necessary to be advanced for their subsistence before they may begin to repay the public by the produce of their labour in the said manufacture—I am

Sir

Your most humble Servant

Wm Lowndes.

Treasury Chambers Novr the 26th 1711.

Mr. du Pré to the Lords of Trade.

[New-York Entries, H. 465.]

To the Right Honble the Lords Commissioners for Trade and Plantations.

My Lords.

In answer to the objection made by your Lordps on the difference, which appears in the accounts of the subsistence of the Palatines transmitted by Coll: Hunter I shall humbly offer.

That when I parted from New York in Novr 1710. the Palatines were newly removed for the most part from the City of New York, to the lands laid out for their settlement; their number then amounted to about 2200, and many of them having, during their residence in that City had an opportunity to see the Country, where meeting with encouragement they ask'd leave of the Govr to hire themselves during the Winter, in order to earn something, vizt Cattle money being too scarce which His Excellcy was pleased to grant them; and these with some Orphans bound Apprentices, the Widdows and other useless people left at their own disposal, might amount to betwixt 3 and 400, so that when they came to be muster'd at their respective settlements, they were found reduced to about 1800 souls. The Governor's intention at that time was to call those who had leave, to repair in the spring following to the Settlement; but the delay of the needful provision from home, for compleating the said settlement, was as I presume the reason that the Govr hath omitted it, because he was unwilling in his circumstances to augment the charges—

My Lords.

This is the true State of that fact as it appears to me at that distance, which I humbly submit to Your Lordps Judgement, and remain with profound respect

My Lords

Your Lordships

Most humble most obedient and

dutiful Servant

James du Pré

London Decr 6th 1711.

Messrs. Perry, Keill and Du Pré to the Lords of Trade.

[New-York Entries, H. 467.]

To the Right Hon^ble^ the Lords Comm^rs^ for Trade and Plantations—

My Lords.

In obedience to Your Lordships commands, we underwritten, in behalf of His Excell^cy^ Robert Hunter Esq: Gov^r^ of New York humbly offer the following answers to the several objections and questions made us concerning the settlement of the Palatines in that province. viz^t^.

1^st^ Objection:—That there was no need of the Palatines to set the Manufacture of Naval Stores on foot because others might have done as well.

2^nd^ Objection:—That the Governor did not settle the Palatines on the most convenient place for raising such stores.

3^rd^ Objection:—That the Gov^r^ was fallen into bad hands, when he contracted with Coll: Robert Levingston, he being represented to have defrauded the Crown of great sums of money when he subsisted the forces at Albany.

4^th^ Objection:—That the Palatines might have hired themselves to day labour, and have earn'd their living.—

Queries:—1^st^ How long the Palatines are to be subsisted by the Govern^t^?
2^nd^ What Quantity of Tar they are likely to make yearly?
3^rd^ In what manner and in what time the sums advanced by the Queen shall be repaid?

In answer to the 1^st^ Objection.

We own, others can raise Naval stores as well as Palatines, provided they be sent upon that design; but since few people in that Country can be spar'd from other labour, there is no considerable quantity of those commodities to be expected, but from the Palatines: And we humbly conceive that the contract made with them, was thought the most effectual means, to set that Manufacture upon a lasting foot, they having thereby oblig'd themselves, to make it their sole business—

To the 2^nd^ Objection.

The Gov^r^ before his departure from England did design to setttle the Palatines in the Maquaa's Country, but after he had viewed the same, he judged it impossible for the following reasons—viz^t^ 1^st^ Because the purchase thereof from the Indians was not clear. 2^nd^ That it is too much exposed to the incursions of the French and their Indians. 3^rd^ and chiefly, because those lands are distant from the River near 20 miles and Schenectady, besides a Waterfall of 600 foot high, hath the same inconveniency, upon which account the carriage of any thing would cost as much if not more than its worth.—

Now the Gov^r^ having found no lands at the Queens disposal, except a tract of 6300 acres on the West side of Hudson's river, which being too small for such a number of families and M^r^ Levingston having offered to part with 6000 acres of his lands situated on the other side of the said River distant eight miles above the aforesaid tract at a reasonable rate, His Excell^cy^ accepted the offer and purchased it for £200 sterling, so that both settlements are distant about

100 miles from the City of New York on each side of a River navigable by ships of burthen, who may take in their loadings at the said settlements. And for a further demonstration, that this situation was the most proper for answering the ends of the settlement, we humbly refer your Lordships to the draught of that Country: Within 3 miles or less of the respective settlements there are large tracts of Pine lands the owners whereof have given leave to make use of the trees—Mr Levingston having reserv'd a sort fit for his saw-mills for planks and Timber and which are of no use for Tarr.

To the third Objection

Mr Levingston was always known, to be a careful, industrious and diligent man, who by these more, than by any other means, hath got a considerable estate. It is true that he was accused by a faction in that Country of having defrauded the Governt of great sums when he subsisted the forces at Albany, but it is as true that he hath honorably clear'd himself, having fairly pas't his accounts before a Committee of Council, upon which he obtained an act of Assembly for releasing him and his Estate that was under a sequestration, until he had so past his accounts; and the reason which induced Govr to deal with him, was not so much his choice as advantage, because the said Levingston made most reasonable and fair offers, and because he was capable of making the largest advances and had most conveniencies for that purpose as Brew house and Bake house. However the Govr did therein act with all the caution and the care imaginable, and the contracts were drawn up by Mr Mompesson Chief Justice of the province, and made as plain and binding as possible, so well with regard to the purchase of the land as to the Bread and Beer he undertook for, at the rates the Magistrates of the City of New York should from time to time set upon them, and with this express condition, that if the Palatines or their overseers had any legal objection against either the Bread or Beer, he did oblige himself to take it back and give better in lieu thereof. That Mr Levingston undertook this with a prospect of advantage is so certain, that it might have created an ill opinion of him if it were otherwise.

To the fourth Objection.

The Palatines could not have hired themselves to day labour, without disbanding themselves after their arrival at New York which His Excellcy could not have given his consent to, without disobeying the Queen's Rl Instructions, which are positive for settling them in a body, and for subsisting them, until they could subsist of the product of their labour; And we do humbly conceive the Govr could never have answered it to the Queen, and to this Honble Board, if contrary to his instructions he had suffered the dispersion of them; Whereby all hope of making any benefit by that useful Manufacture had been lost, especially after he had received £8000 from the Governt in part for their subsistence, towards that end. Besides: My Lords, any one who is not altogether a stranger to that Country knows that not above 5 or 600 could have disposed of themselves in that manner, and even half of them could not have found imployment, but in plowing and harvest time; so that above one thousand of them, must either have starved or become a burthen to the Country.—

We shall in the next place humbly offer in answer to your Lordps. Queries:

1st That the Govr affirms that after Christmas 1712. the Palatines shall be able to subsist of the product of their lands.

2nd That many experiences have demonstrated, that one Man may easily make 60 Barels of Tar in a year; so that computing the number of working hands to be 500, these will raise 30000 barrels in the whole, and so on yearly after the year 1713.

3rd That a Barrel of Tar is sold at New York for 8s sterling so that the whole product will yearly amount to £12,000.

And if the Queen will be graciously pleased to allow them, for an encouragement suppose one mojety out of the yearly product being, £6000. there will remain a yearly sum of £6000. towards discharging the money advanced by the Queen for their settlement and support; so that computing the whole expence to be 40000, they may repay the Queen in seven years or less after the year 1713.

My Lords.

We humbly ask leave to observe further that tho' Tar be only here mentioned, it is not the only thing designed; but as the Govr hath carryed with him Pots and other utencils necessary for boiling Pitch and Rozin the children from 8 years and upwards will be usefully imployed therein, And that Coll: Hunter by a letter to me Micajah Perry gives direction to send him a considerable quantity of Hemp-seed, saying that he hath given orders for preparing lands to sow it in, and dressing of Hemp is a work that may be done in the depth of Winter, when people can not stir out of doors, by which means they will have constant imployment—And if this design be duly encouraged and supported, as the Govr hopes it will, it will infallibly compleat and make it a standing Manufacture of Naval stores.

All which is humbly submitted to Your Lordps. prudent consideration by your Lordps. ettc.

11 Decr 1711 Micajah Perry, John Keill, James du Pré.

The Council of New-York to the Lords of Trade.

[New-York Papers; Aa: No. 92.]

May it please yr Lordships

We have all along conceivd hopes from the great Prudence and equall administration of his Excellency Coll Hunter our Governour, That the Assembly would at last be brought to settle a Revenue for ye support of Government as formerly, which is the reason we have not presumed to trouble your Lordships, with our thoughts on the sad State of Affairs here; but finding our expectations frustrated we should be unfaithfull to the Trust Her Majesty has been pleased to honour us with, to be any longer silent in a case which soe much requires our application, and at a time when by too long neglect of proper remedys the officers of the Government are languishing and Her Majesty's Interest lyes gasping. We therefore humbly represent to your Lordships that the Revenue by which Her Majesty's Government here has been supported ever since it was immediately under the Crown Expired the 18th day of May 1709. That his Excellency our present Governor has done all that it was possible for man to doe to win the assembly to settle an honorable support of Government, but all the faints they have made towards it, have been to pass some Bills in a very new and unusuall manner for levying money, which if they would raise the sums it was pretended, or if those summs would

come within any manner of prospect of answering the exigencies of Government, the nature of the Bills themselves was such as is very unprecedented, and which we could not pass without deparitng from our duty, We shall give your Lordships Instances in some of these bills, and crave leave to make a few remarks upon them, and they shall be only [of] those of this Session because we find his Excellency has acquainted your Lordships with their Proceedings of the last year

The first is a Bill entit[ld] An Act for laying a duty on Chimneys and a Poll, by which the money thereby intended to be raised is given to Her Majesty towards the support of the Government, and is directed to be paid to y[e] Treasurer of y[e] Colony who is not thereby made accountable to any body The Councill amended it by leaving out the word Treasurer throughout y[e] Bill and making the money payable to the Receiver generall (as has been the practise with respect to money given for the support of Government) and makeing him accountable to Her Majesty to the Govern[r] & Council and likewise to the Assembly Which latter tho' it be a consession never before graunted to the Assembly for money for support of Government, We yet ventur[d] to give them, that we may thereby remove their objections of the misapplication of the Revenue

The next is a Bill intituled an Act for laying a further duty on the Tonnage of Vessells and on Slaves and for repealing the Acts heretofore made relating to those dutys, by this Act the assembly intended that all vessells not wholly owned by the Inhabitants of this Province should pay the Tonnage, but by mistake they had subjected all vessells wholly owned by the Inhabitants of this Province to those Dutys, which we amended. The money intended to be raised by this Bill is given to Her Majesty towards the support of the Government and directed to be paid to the Treasurer of this Colony and to be collected by an officer of the Assemblys appointing, and named in the Bill who is thereby obliged to give security to the speaker, a thing never before heard of, this we thought likewise of such consequence, that we amended it by declaring the Receiver Generall to be y[e] proper Officer for collecting it, by obliging him to give security to her Majesty and by directing the money to be issued pursuant to Her Majesty's Instructions. By this Bill likewise the Officer for collecting the duties was made accountable to the Governor and Assembly without taking any notice of the Councill, this allsoe we amended makeing him accountable to the Gov[r] Councill and assembly

These Bills with the amendments which we herewith lay before your Lordships being sent back to the Assembly—We expected they w[d] either have agreed to the amendments or else that they would have signified their disagreements in such manner as might have lead us by proper confer[e]nces into y[e] debate of the Reasonableness of them. But instead of that they return[d] those two bills with a message mark[d] (N° 1) That their House is well assured that the Councill cannot but be sufficiently informed of the undoubted right and constant resolves of their House not to admitt of any amendm[ts] to be made by us to money Bills — This message put an end to our first expectations, and obliged [us] to think of some measures for asserting our Right which they thus call in Question Accordingly we drew up some reasons for our insisting on that Right wh[ch] we sent to them and which your Lordships will receive N° 2

To these reasons the Assembly sent us an answer. N° 3

So that neither of y[e] Bills are past.

Your Lordships wee beleive will find something very new and very extraordinary in this Answer of the Assembly, First that it calls in question any share we have in the Legislation, which is given us by the Queens commission that gives this province the indulgence of an assembly, and we beleive it is the first, and hope it will be the last instance of this kind

In the next place it starts a notion of the Assembly having an inherent right to dispose of the Freemens money We pretend no right to dispose of their money without the Assembly and then the Freemen can't be divested (as the assembly call it) of their property without their consent, all that wee insist on is the right we have to amend money Bills, and that we have such a right your Lordsps have formerly given your opinion to then Lord Cornbury, when he was our Governor and there never was so great occasion as now to exert it seeing we are about to be deprived of it by a very illogicall conclusion

We shall say nothing to what the assembly mention of your Lordships opinions for it wants not our assistance, as to our selves wee beg leave to assure yo^{r} Lordsps that in this particular and in all others, it will be ever had in the greatest esteeme by us, and to your Lordsps we do with great cheerfuln^{s} submitt these our Proceedings

These two are all the Bills past by the Assembly this Session, for giving money for the support of Government, and are the first since his Excellencys arrival wherein the money intended to be raised is declared to be for that use; We therefore beg Your Lordsps patience whilst wee say a few words in Generall concerneing our amendments, To which and to the Bills we Crave leave to refer Your Lordships

The Practice here (we beleive in Her Majesty's other Plantacons) being to give money generally for y^{e} support of the Government, such money has been made payable by the Acts that gave it, to the Receiver Generall, who is Her Majesty's Officer The Assembly notwithstanding have by their Bills directed it to be paid to the Treasurer of the Colony who is their officer for money raised for extraordinary uses and not for the support of Government, Wee thought it our Duty not to give way to an innovation so little agreeable as we conceive to Her Majesty's Instructions, and Her prerogative of appointing Her owne officers for the receiving her money and therefore we made the amendments of this kind

Some time after those two Bills were sent up to us by the Assembly, they sent us two others: one Intituled an Act for y^{e} Treasurer to pay to his Excellency eight thousand and twenty five ounces of Plate, By which Bill they direct the money to be paid to his Excellency the Governor or his order for firewood and candles for the Garrisons of N York and Albany, an Indian Interpreter, and for a smith to reside among the Indians and other support of Government until the 13th day of June 1712 By which the same was appropriated to those particular uses

The other intituled an act for sundry summs of money to be paid by the Treasorer, whereby there is so much appropriated to severall officers of the Government, and so much to the Governor for extraordinary uses. these likewise being Bills of a verry unusual and extraordinary nature We could not consent to them in the Terms we received them. Apprehending the ill Consequences that would flow from thence, some of w^{ch} we conceive are, that the Assembly Intend^{s} His Excellency should have no more than a thousand pounds a year this countrey money for his Salary We should by our concurrence with the Assembly as much as in us lay question Her Majesty's undoubted right to appoint such Salaries as she thinks convenient for her officers In y^{e} next place (if this concession be drawn into Practice) the officers will become subservient to the pleasure of those who pay them, and by the same rule they are retrenched this year; the same method may be pursued from year to year, till at last they have nothing left but the name of an office to subsist them. However the Assembly pretending they had money in their Treasurers hands which they were willing to apply to the support of Government wee were willing to goe with them what lengths we could, and therefore consented to those Bills with the Amendments, which your Lordships will receive in them, hoping by this

meanes they might be brought to provide for the deficiencies, but this gave no satisfaction, the Assembly called them money Bills, and resolvod not to admit of any Amendments, so that they remain unpast and the Government without a shilling to support it

It is with great greife that we are constrained to represent the miserable state of Her Majesties Government here to Your Lordships. Yet the duty we owe Her Majesty and the obligation of our oaths obleige us to speak at this time, Wee shall therefore with your Lordships leave add a few words more

This Government has been without any support ever since his Excellency Coll Hunters arrivall, whose justice and prudent administration, if there were no other consideration have deserved a quite different Treatment. We have done all that has lain in our Power to procure a support of Government but we have no hopes that by any arguments of ours wee shall obtain what wee soe much desire. Your Lordships will easily beleive it is very greivous to us to see the Government in this deplorable condition, and we tremble to think of what worse consequences may ensue if some proper remedys be not speedily applyd, To Your Lordships therefore we address ourselves to make known to Her Mat^{y} the state of Her Government here

We shall give y^{r} Lordshps one instance more before we conclude of the Assemblys preremptoriness not to admitt of any Amendment to money Bills, And it is in the Bill intituled "An Act for paying the arrears due to the Forces late raised in the County of Suffolk for the expedition against Canada in the year 1709 (which we herewith send your Lordships) Whereby the money is not given to Her Majesty her heires &c The Councill amended that, but the Assembly had recourse to their former resolve not to admitt of any amendment to money Bills, tho' they know Her Majesty lately rejected one of their Acts for raising six hundred pounds for the City of New York, because it was not given to her Majesty her heires and successors So that Bill is not passed

We shall not take up so much of your Lordships time as to enter into any argument for this our right to make amendments to money Bills Your Lordships who best know them have already given your opinion therein, And you will by these papers see what the Practice has been which the Assembly does not nor can denye, Wee desire therefore that the determinat^{n} of this dispute between us may be signified in such a manner as may put an end to it

Thus much for the Bills We beg your Lordsps patience a little longer whilst we take some notice of two resolves of y^{e} Assembly of the 24th day of November last the day they were pleased to adjourne themselves on, till the first Thursday in April next

His Excellency did some time since with the advice of the Councill and the great necessity the Province was in of such a court, Open the Court of Chancery himself being Chancellor by the delivery of the Seals as the Majority of the Councill were of opinion. The Assembly the last day of their sitting, resolved that the erect^{g} a Court of Equity without their consent in Generall Assembly is contrary to Law without precedent and of dangerous consequences to the liberty and property of the subject

Whereupon it may be observed, that Her Majesty has given to the Governor by her Commission full Power and Authority with the advice and consent of the Councill to erect constitute and establish, such and so many Courts of Judicature and Publick justice within this Province as the Gov^{r} and Councill shall think fitt and necessary for the hearing and determining of all causes as well criminal as civil according to Law and Equity. Which your Lordshps were pleased to observe to his Excellency in your letter to him of the 29th June last, If therefore the first part of this resolve be true, Her Majesty has given to the Governor and Councill power by her said commission to do that which by law she could not, but if Her

Maty. can lawfully give such a power, then wee shall be proud to forgett that ever a resolve of this kind was passed by a people so graciously distinguished in many instances of Her Majesties princely Favour

It is not without precedent that a Court of Chancery has been erected in this Province without consent in General Assembly, and if the erecting of it without their consent be lawfull, we are very well assured that it will not be attended with any dangerous consequences

The other resolve is that the establishing Fees without consent of the General Assembly is contrary to Law

The Power of establishing Fees is likewise given to the Governm[t][1] with the advice and consent of the Council, not only by an article in her Majesties generall Instructions, but likewise by a particular and additional Instruction grounded upon Her Majesty's rejecting an act of Assembly past here in 1709 for regulateing and establishing Fees. If then Her Majesty can lawfully give such a power, What must these resolves mean

We are with all possible Honr and regard
Your Lordsps most humble
and obedient Servants

CALEB HEATHCOTE S. STAATS
JOHN BARBARIE R. WALTER
T. BYERLY [G.] BEEKMAN
RIP VAN DAM

From y[e] Councill
Chamber in N York
the 13[th] Dec[r] 1711

Governor Hunter to Secretary St. John.

[New-York Papers, VI., No. 170.]

New York 1st January 1711.

Sir.

I did myself the honour to write to you by the way of Boston since y[e] fatall miscarriage of that justly great attempt upon Canada. That misfortune has occasioned a joint address of y[e] Councill and Assembly here to her Majesty, begging she would be pleased to renew y[e] expedition, which I have by this conveyance (the Lowestaffe) transmitted to y[e] Earl of Dartmouth. I have also sent to his Lord[p] a copy of the Councill's representation to the Lords of Trade of the behaviour of y[e] Assembly here, and y[e] deplorable state of Her Maj[ties] government in this Province. My hopes of a remedy on this side are groundlesse & vaine. I am confident that I have left nothing unattempted in the power of man to procure a better settlement here, and I believe all sober men will do me that justice. But now the mask is thrown off; they have call'd in question the Councills share in the legislation, trumpt up an inherent right, declared the powers granted by her Majesty's letters patent to be against law, and have but one short step to make towards what I am unwilling to name. The Connecticut scheme is what they have in their heads, and if I be not mistaken they are f[l]attered by some at home with the hopes of obliging the Crown to that concession by their undutifull practices.

[1] Governour. *New-York Council Minutes*, XI., 53, from the copy of the Address in which volume the additions within brackets are also made. — ED.

The various & dissonant modells in the Charter and Propriety Governments is apparently the spring which move thes perplexities in most of the Provinces. Let them be never soe well, each conceives an opinion that their neighbours are better whilst upon another foot of government.

In the infancy of the Colonies the Crown was lavish of priviledges, as necessary for their nurseing; but a full grown boy makes commonly but indifferent use of that indulgence requisite towards a child. If it is expected that y^e^ Colonies, now they are grown up, should be a help and of some use to their parent country, there is an evident necessity of an uniformity in their governments. Upon that alone, amongst other things, an uniformity in worship intirely depends; a thing more to be wish't than hoped for as they now stand. For altho' I cannot accuse our missionaries of want of either zeale or industry, their progress is but inconsiderable and their proselytes few. How indeed can it be otherwise when both legislative and executive powers are lodg'd in such hands as are likelier to pull it up by the roots than plant it; and y^e^ people they are to work upon are generally obstinate, the whimsicall & factious who flock hither for elbow room to exert their talents.

This great work how necessary soever requireing soe much time and being lyeable to soe many difficulties in the accomplishing, cannot be depended upon as a proper remedy for the desperate condition of her Majesties Government in this Province. The Officers upon y^e^ point of relinquishing their imployments or starveing, all y^e^ extraordinary expences of Government defray'd by my poor creditt, tho' I have never touch'd one farthing of their money, her Majesties Councill here villifyed and insulted, and y^e^ officers of government look'd upon as y^e^ common enemyes and marks of their malice; and all this without the least provocation or colour of reason. This I say is y^e^ true present posture of affaires here, of which I have amply informed the Lords Commissioners of Trade and soe cannot be accomptable for the consequences.

My own ruinous circumstances nothing affect me; I serve y^e^ best of Soveraigns who has formerly relieved me out of great distresses, and whilst it is apparent that I suffer in her service and for asserting her rights, I boldly lay claim to yo^r^ protection and recommendation for releife. There is noe man alive more hearty and sincerely, Sir

Your faithfull obed^t^
& humble Serv^t^ than

M^r^ Sec^y^ S^t^ John. (signed) Ro. Hunter.

Governor Hunter to the Lords of Trade.

[New-York Entries, J. 1.]

To the Right Hon^ble^ the Lords Commiss^rs^ for Trade and Plantations.

My Lords

A. For an Acct of the dismal Situation of Affairs, he refers to the Councills Repn. on the Assemblys proceedings who have no regard to Her Majesties Instructions.

The Councills Representations of and remarks upon the proceedings of the assembly here marked A: will sufficiently inform your Lordships of the dismal situation of affairs in this Province; so far as they relate to Her Majestys Government, themselves & me; I hinted to your Lordships sometime agoe that I was not willing to encourage anything of that nature at that time, but

now that there is no hope of a remedy, when Her Majesty's Councill is insulted without cause, their share in the Legeslation called in question, and Her Majesty's Letters Patents & the powers granted by them set at nought; I could no longer discourage so just an appeal, And measures so necessary for the vindication of that Board, which hath had nothing in view in all their Actions but Her Majesty's Rights & interests, and for which they suffer at this present time, without being wanting in my duty to Her Majesty, and that justice I owe to them.

To make appear to your Lordships the little regard is paid here to the powers granted by Her Majesty's Letters Patents, I must intreat you to cast an eye, on the last page of the resolves of the house of Representatives marked B: and then your patience whilst I give you a short account of the matters upon which their resolves are founded.

C. By advice of the Council & upon sevl petitions to him &c. he open'd a Court of Chancery which has given offence to the Assembly who have resolved that the doing thereof is of ill consequence his observations thereon

The Country here in General groaned under the want of a Court of Chancery, which had been discontinued for some time before my arrival in these parts, petitions came thick for opening such a Court, and from some of their own members, upon which I consulted the Council they advis'd the Addressing your Lords^{ps} for your opinion on that head, some fault being found with the former Constitution, your Lordships refer'd me to my letter Patents, these direct that I shall by & with the advice & consent of the Councill, erect & Establish such, and so many Courts of Judicature for the hearing trying and Determining of all causes, as well Criminal as Civil, according to law and equity, I refer'd the whole matter again to a Committe of the Councill, who reported their opinion to me; that the Gov^{r} is Chancellor by Virtue of the Custody of the Seal of the Province, given to him by a Particular Clause in his Letters Patents, this report is approved by the Councill, upon which I issued a public notification of that courts being Opened, & the House of Representatives in their angry mood, resolv'd that the erecting such a Court without their consent is against Law, without Precedent, and of dangerous consequence to the Liberty & Property of the subject: Had I declind to opening that Court, I had been justly accused, by themselves too, of being deaf to the cryes of the People in a matter wherein I was sufficiently impower'd to relieve them, & had I done it in the manner they seem to prescribe, who could clear me from the just imputation of having Complimented the Assembly with the powers granted by Her Majesty to the Gov^{r} & Councill, exclusive of them, at a time too when they seem'd to be upon the point of disclaiming all powers not immediatly derived from themselves.

D. The Assembly have also declared that the Establishing Fees, without their consent is against Law — the Councell have let a bill lye on the Table till further orders from the Board.

The other matter declar'd to be against Law, is the establishing Fees without their consent, your Lordships well know that by my General as well as an aditional Instruction for that purpose, I am directed to establish such a Table of Fees, by and with the advice of the Councill here, which was accordingly done, & transmitted to y^{r} Lordships, your Lordships find no fault with the manner of Establishing it, tho' you seem to be in some suspence as to some Fees contain'd in the table, for which reason the Councill thought fit to let a Bill establishing the Ordinance, word for word, though the title was, a bill for Establishing Fees, lye on the table until farther advice from your Lordships.

E. By an address from the Councill & Assembly sent to the Earl of Dartmouth, it will appear their spight is not personal.

These are, my Lords illegal proceedings I stand accused of, in their journal, but by the compliments paid me in the joint Address of the Councill & Assembly, transmitted to the Earl of Dartmouth, by this conveyance your Lordships will be convinced, that their spight is not personal, which for the safety & ease of Her Majesty's Government here, I wish it were so.

F. Two bills sent to the Assembly relating to Desertion & to Quit Rents, turned into Redicule, and never once read.

Your Lordships are not ignorant of the complaints for Her Majesty's Officers at Sea & Land, relating to the encouragement of desertion from both Services in these parts, & the notifications of the same, which I have received from the Lords of the Admiralty, you are Likewise no Strangers to the ruinous state of Her Majesty's Quit rents, and the frauds in the concealment & non-payment of the same, the Councill fram'd two bills early in this session, to remedy these abuses, and sent them to the Assembly for their Concurrence, where they were turned into redicule & lay on their Table for that purpose, but were never Vouchsaf[d] one reading, these bills your Lordships have with this mark'd C.

G. The Assembly after having fram'd such Bills as they knew the Councill could not pass &c. adjourned themselves, for about 5 months.

In short after they had spent the greatest [part] of this long Session in frameing of Bills which they well knew the Councill without betraying their Trust could not pass, and the remainder in unjust Cavils with the Councill not without some oblique strokes at your Lordships, as you'l observe in the close of their answer to the Councills reasons, for insisting on their Amendments to Money Bills, in the 19[th] Page of the Journals of that house, they very fairly adjourned themselves to the first Thursday in April next, from the 24[th] of November last.

H By this means the Govr left without Support -the burthen heavy on him — & no remedy to be had there.

In the mean time the Government is left without support the officers of it under necessity of relinquishing their offices or starving in them, & all the indispensible expence thereof thrown on me, who never yet touched one farthing of their Money's, my own Private affairs are next to irretriveable, but the hopes I have entertained all along of restoreing the declining interest of the Crown in this Province at last have suported me under sufferings and discouragements unspeakable, so your Lordships must pardon me, if I once more repeat that there is no remedy for those evils, or hopes of any on this side, the source of which I think to be apparently a resolution they have taken to oblige to the Crown to a Concession, that may new garble their Government, after the Connecticutt Modell.

I. Seven Acts past their Titles.

The Acts passed this Session are, an Act to Authorize the Surviveing Commis[rs] for the Expedition to reduce Canada &c, which wants no remark being only to supply a deficiency in the former Act, Constituting Commissioners for that purpose.

An Act reviveing an Act entituled, an Act for the better settling the Militia.

An Act to prevent the impairing the Fortifications.

An Act, for raising two thousand eight hundred & fifty five Ounces of Plate, this is for the payment of the hundred & fifty men, Continued on foot for the defence of the frontiers this Winter.

An Act for the Treasurers paying three thousand seven hundred & fifty ounces of Plate, to the Governor, this is no more then a Warrant to the Treasurer for paying to me so much, for the repaires of the fortifications of Albane and Schenectada, and the payment of the hundred & fifty men.

An Act for reviving, an Act, entituled to prevent the selling or giving of Rum or other strong liquors to the Indians in the Country of Albany.

An Act to oblige the Mannors in the Country of Winchester,[1] to pay their arrears of Taxes, the meaning of this Act is to remedy some inconveniencies that have arisen from the neglect of some mannors in that Country to Elect supervisors and collectors, by which means the Taxes there have not been regularly paid.

All these Acts your Lordships have in the Bundle marked D.

[1] Westchester. — Ed.

The Acts sent up this Session which have not had the Concurrence & Consent of the Councill are besides those sent with the Councills representation which want no remark Viz^{t}

K. an act for Assigning of Sherifs—Remarks thereon.

The first is an Act for Assigning of Sherifs, which needs no other remark, than that it is an Act Circumscribing the power which the Governors have ever been in possession of, and laying that office under such restrictions as make it impracticable to find in some Countys persons so qualified.

L. An Act for appointing an Agency &c.—Remarks

An Act for appointing an agency for New York at Great Britain, your Lordships will observe that by this Act the Majority of the Assembly are to nominate such agent, and to levy Mony for his support, and a Committee of them, even in the intervals of the Session, as well as the assembly when sitting are to give such directions & informations to the said Agent as they shall think fitt, by which means the Governor and Councill are excluded from giving him any informations or directions, this wants no farther remark only I must beg leave to inform your Lordships, that the private design of the promoters of that Act was to put into that office one Coll: Lodwick Merchant at London, whose letters to John Depyster have been dropt in the Streets, and Copys thereof sent most of the Countys since my arrival here, in order to obstruct the settling a revenue, and I must affirm to your Lordships that that Gentlemans meddling in the affairs of this Province, has been of ill consequence to Her Majesty's interest here at this time.

M. An Act for restraining the bringing any Personal Actions in the Supreme Courts—Remarkes.

An Act for restraining the bringing any personal Actions in the supream Court in this Colony under the value of twenty pounds, the Committee of Councill being inform'd by the Cheif Justice that in England their restriction is only to forty shillings, and being in some suspence as to that matter, have thought fit not to make any report of it this session.

N. A Bill for Estabg Fees mentioned already

The bill for Establishing fees I have already mentioned to your Lordships, as being only a Copy of the ordinance formerly sent you, these Acts you have in the bundle mark'd E.

O. The Merchants have Petitioned him, upon the New Order that the Queens ships appointed to attend New York, shall victual & clean at Boston — inconveniencies of that order.

I have received a petition from the Merchants of this place, representing the inconveniences & damages to their Trade which must follow upon the new order of the Lords of the Admiralty for victualling & cleaning Her Majesty's ships appointed for the service of this province at Boston in New England, by which means they conceive they will be entirely deprived of that Security to their Trade intended by the service of those ships, & indeed the passage is longe between these two places, & their return so uncertain, that we can propose but little use of them, to our selves whilst under these orders, of which I have also acquainted the Lords of the Admiralty;

P. He referrs to a letter from Coll: Quary relating to some late Traturous practices Committed Pensylvania, by the master of the ship St John Babtist — account thereof and of his proceedings in this matter — The Queen defrauded of 8000 pounds, & a door opened for a treasonable Trade.

Coll: Quarys letter will sufficiently inform your Lordships, of very black practices lately perpetrated in Pennsylvania, by one Parks master of the ship S^{t} John Babtist under the patronage of the Government there, I remember well, that last year whilst I was there, I was told by many, that that ship was impudently loading provision for Petit Guavas, tho' she entered and clear'd for Jamaica, she perform'd her voyage to that French Port, took in a cargoe there for old france but return'd with it to Pensylvania, the Collector of New Castle in Pennsylvania made seisure of her, for trading with Her Majesty's enemies, but was forcibly disceized, by the Sheriff of that County Coll: French, to whome the sloop which she brought was with her consigned by Park, in case she should lose Company: my repeated advices to the Lieu^{t} Gov^{r} of that Province, together with the opinions of the best lawyers in these parts, could not prevail with him to seize Parks & his associates, & send

them to England for their trial, as the act of Parliament against foreign treasone directs, but all was smothered in a County Court, which acquitted the traytors condemned the vessels & Goods, and awarded them their wages out of the produce thereof; before this sham tryal at the repeated instances of Coll: Quary, I sent Her Majesty's ship the Lowstaff Cap: Gordon Commander, with General orders to seize on the cruiz all such persons their goods & effects as had maintained any traiterous correspondence or trade with the Enemy, who accordingly seized the said ship & sloop in Delaware River & brought them to this Port all the goods being unloaded by Coll: French before he came, by these means Her Majesty is defrauded of a Cargoe to the value of eight thousand pounds and a door opened to all such treasonable trade for the future, in these parts, if no method be found to bring these malefactors to Condign punishment.

Q. Three hundred of the Palatins that went with Coll: Nicholson were on their return disarmed as also the Country troops by which means their are Governable tho he can hardly keep them to their duty without force.

As to the Palatin's I acquainted y^r^ Lordships that I had employ'd three hundred of them in the land forces, under Coll Nicholsons command by Her Majestys order, upon their return to Albany I then disarmed them again as I did also the Country troops before I disbanded them, they have since used some artifices, and made some false alarms in order to induce me to restore their arms but to no purpose, they are planted where they are cover'd every way, & whilst they are armed they are ungovernable 'tis with much concern that I must acquaint your Lordships, that what from the instigation of their ill neighbours, what from the natural turbulency of their temper, I find it hard to keep the generality of them to their duty, and the terms of their contract without force, the work is however in a great forwardness as the time would allow, an hundred thousand trees ready for the manufacture next fall, & ten thousand for this spring, the magazine is up, but make all sure I humbly offer to your Lordships that Her Majesty be addressed to signifi under Her Royal hand, that she Expects from them the performance of the term of their contracts & farther that in regard there are two Forts now actualy a building in the Indian Country by Her orders, and that the number of regular troops here is much too small for these five Garisons, she would be pleased to augment them to the number of a brittish battalion a least, and from[1] them into a Regiment the independency creating confusion, by these means our Garisons during the war will be more secure, the Palitins more easily kept to their duty, and the work be carry'd on during a peace if need require without them, by making an allowance to the Soldiers of twelvepence per day extraordinary for working days only.

R. 100,000 trees ready for manufacture next fall — & 10,000 for this spring — every thing is prepared & ready for the great essay.

S. He proposes that Her Majesty signify her expectance of the performance of their contract.

T. The number of regular troops being to smal for the service, he would have them augment to a brittish battalion & form'd into a Regiment — good effect that will accrue thereby — In time of peace an allowance to be given the soldiers of 12d pr working days only.

I acquainted your Lordships how basely M^r^ Bridger has endevoured to betray this service, he has since wrote to me that it was not by his own will that he absented himself, he best knows whose will determin'd him to so black a purpose, his practices w^th^ relation to the Queens woods by the report of all honest & impartial men acquainted with that matter, has been vicious however the Governor of New England has thought fit to baulk that enquiry by appointing his confederates as I am informed for his Inquisitors, of which proceedings some Gentlemen of New England have sufficiently informed my Lord High Treasurer.

V. Mr Brigader has owned that it was not by his own will he neglected his duty — his evil practices in the woods equally vitious Coll: Dudley blameworthy An Accet: of their proceedings sent the Lord Treasurer.

M^r^ Rich: Sacket who has the direction of the Tar work, & understands it much better, has never left it since he entred upon it, but by indefatigable labour & industry, has brought matters to bear a better face than formerly, & well deserves a reward to

W. He commends Mr. Sacket, for his dilligence and Industry

[1] form. — Ed.

X. He has recd no acct of the payment of his bills—but however imploy's all his credit to carry on the work.

which I humbly recommend him, in the mean time I must acquaint your Lordships that, I have as yet no notice of the payment of any of my bills, for the subsistance of that people notwithstanding which I proceed to employ all the creditt I am master of for that purpose in the manner that I am directed by Her Majesty's instructions, judging it impossible that this, so univercally beneficial project shoud be dropt when it is carried on so far, and in so fair a way.

Y. He transmits a Copy of the Transactions with the Indians.

Z. Acct of some murders committed by a party of French Indians.

Your Lordships will receive also with this a Copy of our transactions with the Indians, all is quiet at present upon the Frontiers, but soon after the return of our troops to Albany a party of about twenty French Indians fell upon two farm houses, murther'd two men, a boy, & a woman, & two Soldiers & two small Children, but lost three of their own number of men in the action, after which they set fire to the houses & run a way, I have nothing more to add, but that I am with all honour and regard.

My Lords

Your Lordships most obed^{t}
& most humble Servant
Ro: Hunter

New York
1st January 17$\frac{1}{12}$

Lords of Trade to Governor Hunter.

[New-York Entries, II. 480.]

To Coll: Hunter.

Sir

In our letter to you of the 13th Nov^{r} last (a duplicate whereof has been already transmitted to you) we inform'd you that we had laid before Her Maj^{ty} what you wrote to us, touching the Invalides at N. York, and we are now to acquaint you that Her Maj^{ty} was pleased to refer the consideration of that matter to the Comiss^{rs} for Chelsea Hospital, who have made their report thereupon and are of opinion, that such disabled Soldiers do continue at New York, but that if it should appear by certificates from you that the said Soldiers have been disabled by wounds in Her Maj$^{ty's}$ service, or that they have served in the Army 20 years or upwards whereby they are become unfit for further service, the Agent here who pays the 4 companys in that province or such other person as you shall appoint, by virtue of a letter of Attorney from the said Soldiers, may receive their pay or pension money as out-pensioners of Chelsea Hospital, and that the certificates aforementioned be sent to the Comiss^{rs} as proper vouchers for the admittance of such disabled Soldiers into the pension.

We have fully laid before Mylord Treasurer what you writ relating to the Palatines and the necessity of supporting them in the work they are imploy'd, and hope that M^{r} Dupré will be able in a short time to carry a good account of that Matter. We shall be always ready to do what in us lyes to encourage and promote what may tend to the increase and advantage of the Trade of this Kingdom. So we bid you heartily farewell

Your very loving friends
Winchelsea
Ph Meadows.
Cha^{s} Turner
Geo. Baillie.

Whitehall Feb^{r} 1. 17$\frac{1}{12}$.

Lords of Trade to the Lord High Treasurer

[New-York Entries, II. 482.]

To the Most Hon^ble^ the Lord High Treasurer of Great Britain.

My Lord.

Pursuant to Your Lordp's desire signify'd to us by M^r^ Lowndes the 26^th^ Nov^r^ last we have considered the observations made by the Earl of Clarendon upon two letters from Coll: Hunter to the Earl of Dartmouth relating to the Palatines at New York upon which we observe to your Lordship.

That in August 1709. when the Palatines were in this Kingdom, it was referred by Her Maj^ty^ to this Board to consider how to dispose of the said Palatines who thereupon proposed that such of them as should not be otherwise provided for, be sent to be settled on Hudson's River in the province of N. York.

In Nov^r^ following when Coll: Hunter was appointed Gov^r^ of New York a proposal of his for taking over with him 3000 of the said Palatines, to be employed in the producing of Naval Stores in that province, was referred to this Board, and on the 5^th^ Dec^r^ they reported the advantage it would be to that province to have such a number of those people settled there, and the benefit that would accrue to Her Maj^ty^ and this Kingdome by establishing a trade for Naval Stores in Her Maj^tys^ dominions. The said Report further contained a scheme for settling, maintaining and imploying the said Palatines and Her Maj^ty^ having been pleased to approve thereof and Coll. Hunter desiring to have instructions in relation to the said Palatines, that Rep^tn^ was turned into an Additional Instruction and signed by Her Majesty.

And lest the Palatines should at any time fall off from the imployment design'd for them, Her Maj^ty^ was pleased to direct that they should oblige themselves by a contract in writing to attend that work, and an instrument for that purpose having been drawn (with the advice of Her Maj^tys^ then Attorney General) was signed by the Palatines accordingly, a copy of which is herewith laid before Your Lordship. In which they promise that the neat produce of the Naval Stores they shall make, shall be applyed towards the repayment of what Her Maj^ty^ shall disburse for their support & maintenance.

We take leave further to observe that in the forementioned representation of 5^th^ Dec^r^ 1709. there is one clause which proposes: "That as these people are very necessitous they will not "be able to maintain themselves till they can reap the benefit of their labour, which will "not be till after one year at the soonest, they be therefore subsisted the Men & women at "sixpence ster: a head p^r^ day and the children under ten years of age at four pence ster:"— This Representation having been turned into an instruction as aforesaid, seem to be a consent on Her Maj^tys^ behalf, that she would subsist the Palatines as is therein proposed and the directions the then Commiss^rs^ for trade had to prepare the forementioned contract signed by the Palatines, imply that Her Maj^ty^ would do it for the first year.

After their arrival at New York the Gov^r^ sent over an account of what had been done towards their settlement and imployment upon which this Board laid before Her Maj^ty^ in Feb^ry^ last a full State of that matter, giving the reasons why it was necessary to allow £15000 a year for their subsistance for two years to be computed from midsummer 1710, a copy of which Representation is herewith laid before Your Lordship.

When the Palatines arrived at New York they were in number 2227, and by the Acc^{t} transmitted over by Coll: Hunter, & laid before your Lordship the 13th Nov^{r} last the number that had been subsisted from the 26th March to the 24. June last was about 1894

We have no acc^{t} from the Gov^{r} of the application of the 10000 pounds, which has been issued to him otherwise than that he informs us that "besides the £8000 for which he had "bills over with him he had drawn other bills for £4700, all which money, he writes, has been "expended in settling these people, and that he had transmitted an acc^{t} thereof to the then "Lords Comss^{rs} of the Treasury whereby, he says, it does appear that he has disposed of "that money with good management.

In order to our laying this matter more fully before your Lordp. and to propose some method how Her Maj^{ty} shall be repaid, we take leave to offer that computing by the number of trees already prepared they may make 30000 Barrels of Tarr the first year 1713. which at New York is 8 shill: Sterl: pr Barril and will come to £12000—And that if Her Majesty should be graciously pleased to allow them one mojety it would be sufficient encouragement for them to go on with their work, and by this means Her Maj^{ty} would be repaid in about six years time as as more fully set forth in a memorial herewith laid before Your Lordship—

In case Her Maj^{ty} shall be graciously pleased to approve hereof, we are of opinion, that it will be necessary a person be appointed by Her Maj^{ty} to receive the Tar at New York into a storehouse to be provided there to ship the same for this Kingdom, and to State and keep particular accounts of the whole, both in relation to the past as future expence to be laid from time to time before Your Lordp. as is more particularly set forth in the above mentioned Representation of 5 Dec^{r} 1709.

Upon the whole as it does not appear to us there has been any mismanagement in subsisting the said Palatines by Coll: Hunter and that his Credit is very deeply ingaged in that service, and in consideration that the whole design of producing Naval Stores in Her Maj^{tys} Dominions by the Palatines must fall and the money already expended be intirely lost unless they are subsisted for two years as aforementioned, we are humbly of opinion that they be supported in such method as your Lordship shall think proper—We are—Mylord. Your Lordp's most obedient humble servants

WINCHELSEA, GEO: BAILLIE,
PH. MEADOWS, ARTH MOORE,
CH. TURNER, FR. GWYN.

Whitehall Febr^{y} 1. 17$\frac{11}{12}$.

Governor Hunter to the Lords of Trade.

[New-York Entries, III., 27.]

To the Right Hon^{ble} Lords Cômission^{nrs} of Trade & Plantat^{ns}

My Lords,

A. He transmits an address from the Merchants as also some proposals from Colonel C Heathcote for building a Gally and furnishing Her Majty with Naval Stores at an easy Rate—his opinion thereon.

I have so lately given your Lordships the trouble of a long letter, a duplicate whereof goes with this, that I should have nothing to say now as to the affairs of New York, were it not for an address of the Principal Merchants of this Place and some proposals from Colonell Heathcote, for the building a Gally here, and for the furnishing Her Majestys ships wth stores at easier rates, than have hitherto been paid, copy's whereof I herewith send your Lordships, As to the first, I am

apt to think such a vessell would be of great service here, with a ship of better force, and that she may be built on reasonable terms, but whether she can be built without a Parlimentary Fund, or whether the concession proposed, for naming the Commander here will be given way to, your Lordships will be better Judges.

The other proposals carry with them such perswasive reasons (I mean those for saving the Public money, that I could heartily wish the experiment was made, the expence can't be much, and the consequences may be so good, that I hope your Lordships will take them into your consideration, and if you think them of any mom[t] that you will be pleased to obtain Her Majesty's Commands thereon.

B. He presses for their Lordships directions about the Counsellors of New Jersey, who obstruct the payment of the Taxes.

I must again beg your Lordships to signify Her Maj[ty's] pleasure, concerning the Gentlemen of the Councill of Jersey, whom I desired to have remov'd from that Board, for by the means of some of them, the taxes in many County's are now in very great arrear, and I fear the influence they have had on these will have very Pernicious effects on the rest, and whilst they continue in their present stations, I can propose to my self very small hopes of effecting anything for Her Majesty's service.

C. He does not yet know whether his bills are paid touching the Palatins, however ye work goes on.

Your Lordships [may] guess at my uneasiness, having heard nothing from your Lordships, since last summer neither have [I] advice of the payment of any of my bills on account of the Palatines, but go on w[th] the work as if I had, having (as your Lordships well know) her Majesty's cômands to that effect, I wait with great impatience for your Lordships cômands and am with all imaginable honour and regard.

My Lords

Your Lordships most obedient

and most humble Servant.

Rob[t] Hunter.

He sends two Acts past in New Jersey One for raising money The other for the Currency of bills of Credit.

P: S: Inclosed I send your Lordships two Acts pass'd in Jersey, the one entitu[d] an Act for levying and raising money, for and towards the encouragement pay, provision, transportation and other charges of voluntiers to go on the expedit[n] ag[st] Canada &c. the other an Act for the Currency of this bills of credit[1] in the Colony of New Jersey, neither of which want any remarks, I likewise send your Lordships the last minutes of Councill in y[t] Province.

New York

March y[e] 1[st] $17\frac{11}{12}$

[1] "for the currency of Bills of credit" — Letter in *New-York Colonial Manuscripts*, LVII. The words within brackets are supplied also from the same document.—Ed.

Address of the Merchants of New-York to Governor Hunter.

[New-York Papers, Aa. No. 103]

To his Excellency Robert Hunter Esquire Captain Generall and Gov^{r} in Chief in and over Her Majesty's Provinces of New York & New Jersey & the Territories depending thereon in America & vice Admiral of the same

The Humble Address of the Principal Merchants & other Traders Inhabiting within the city of New York

May it please your Excellency

That the said Merchants & Traders being fully satisfyed of your Excl$^{cy's}$ generous inclinations to encourage & promote the Trade & Navigation of this Province of which they have manifest Proofs not only by the assistance your Excellency hath been pleased to give them thereof but that during your Excellency's Administration they have been freed from all unjust & unfair Molestations therein, But to their great greif the same has not yet had its desired effects by reason that during this present War this coast has been very much annoyed by a number of small Privateers who by the advantage of their oars and shoal water keep out of the reach of Her Majestys ships of war appointed for the guarding of the same whereby this Province is depriv'd of the principal benefit Her most sacred Majesty designed in sending them hither the Dismal examples we have had not only of our vessells being taken on the coast but even out of our very harbours are evident proof thereof

And whereas we are informed that a skem has been laid before your excellency by Colonel Caleb Heathcote setting forth the advantages that would accrue to Her Majesty & y^{e} safety of our navigation to have here a small Galley or Frigate mounted with twelve Guns One hundred & twenty men & thirty oars or thereabouts to be employed in guarding this Coast to prevent the mischeif aforesaid

And whereas we are convinced that a vessel so equipped and of that force would not only be a much better security to our Trade and Navigation but also a great Terror to the Privateers then larger men of warr and of greater force, and the expence thereof would not be above one third of what the least man of war is at, because we are morally assured the charges in maintaining her will not exceed two thousand five hundred pounds Sterl^{g} annually, for victualling officers & sailors wages & refitting w^{ch} is inconsiderable if compared with the extravagant Accounts of the men of war w^{ch} have formerly gone from this Port

Wherefore we humbly address your Excellency, praying that y^{r} Excl^{cy} would be pleased to lay the matter aforesaid before Her most Sacred Majesty & use your interest that a Frigate may be built & fitted out according to the Scheme aforesaid and that your Excellency might have orders to commissionate proper persons here as officers to command her by w^{ch} means we doubt not to keep her well manned & fitted and that she prove a very good guard for our Coast & be able to defend the same against the insults of French Privateers—We are your Exc$^{y's}$ most humble Serv^{ts}

Colonel Heathcote's Scheme for building Ships of War.

A Scheme Most humbly laid before His Excellency Robert Hunter Esq^re^ Capt^n^ Generall & Governor in cheif of Her Majestys Provinces of New York East & West Jersey & Vice admiral of the same setting forth the best & most easy ways & meanes for building & Subsisting Her Majesty's Ships of War & guarding the Coast of North America from the insults of the French Privateers

That a Galley of about 140 Tuns Burthen or thereabouts carrying 12 guns 30 oars & 120 Men with one fifth rate man of war will be a much better security for this Port than two large Frigates because the Privateers who annoy the Coast are seldom greater than from 4 to 8 Guns who by the advantage of their oars or running under the land into shoal water always make their escape

That in case Her Mat^y^ will be pleased to send the Gunns, small Arms ammunition, Rigging, Sayl Cloth, & Iron work out of the Stores at home a Galley of that Burthen would not cost above £400 Sterling if So much

That if Her Majesty is pleased to order the said Galley for one of the guard ships of this Port, I leave it to your excellency to appoint such officers as the merchants by their humble petition shall desire there will be no doubt of having her manned in this City

That it will appear the charge in building the Galley afore said, will be aboundance less Reckoning not only what the Hull will cost but likewise the Iron work Rigging and sayl Cloth which comes from Great Britain & charge in its transportation then a vessell of the same force & number of hands will stand Her Majesty in only to be brought to this Port, the calculation being made from the time they receive orders to refitt for coming hither untill she casts anchor in this Harbour by which meanes the Galley won't be only saved the Crown, but that number of men will remain at home to help carry on the war there.

That [if] after the said Galley a Frigatt is built the charge in maintaining Her as to victualling manning & refitting notwithstanding the heavy accounts of that nature which have gone home from this Port will not amount to above £2500. Sterling annually which is about £5000 Sterling less than a fifth rate friggatt Stands Her Majesty in

That if one fifth rate man of war & a Galley as aforesaid was stationed at Boston the like at this Port & at Virginia a Galley at Road Island & an other at Delawarre great care & strict orders being given for a diligent performance of their Respective Dutys this Coast would be well guarded & secured from the Privateers nor would the charge of the whole under a just carefull & prudent management exceed 30000 Sterling a year whereas there is great reason to beleive that for 20 Years past the Crown hath never been at less then £60000 Sterling annual expence If not more nor hath there in all that time, & which hath cost the Queen £1200000 Sterling, been two Privateers taken that ever I heard of by any of Her Majestys ships of war for all that cost, nor does it appear by Sad experience they are under any terror of the men of war by the swarmes which every summer infest our coasts where they don't only take vast numbers of our ships & vessells by which they supply themselves & Relations with provisions but have taken the vessells in our Ports & plundered severall small Towns & villages of which there hath been many melancholy instances

May it please your Excellency

The wonderfull zeal & unwearied diligence your excellency hath manifested in all your Actions & on all occassions for Her Majesty's Service & the prosperity of this province makes it evident & even beyond a doubt that your Excellency hath nothing so much at heart as Her Majestys Interest & the welfare of all Her Subjects under your care, That being well assured nothing would be more acceptable to your excellency as to be informed how you might in the best manner answer those great ends. I was emboldened to lay this Scheme before your Excellency. If your Excellency is of opinion that what is therein proposed may be useful for those great purposes that you would the[n] be pleased to lay the same before Her most sacred Mat^{y} and the ministry at Court

I am

May it please y^{r} Excellency

Your Excellency's

most ob^{dt} humble Servant

Caleb Heathcote.

Colonel Heathcote's Scheme for raising Naval Stores.

A Scheme laid before His Excellency Robert Hunter Esq^{re} Capt^{n} Gên^{ll} & Governour in cheif of Her Maj$^{ty's}$ Provinces of New York East & West Jersey & Vice admirall of the same Proposing easy ways & meanes, for raiseing of Rigging & other naval Stores for Her Majesty's Service, which is humbly prayed may be laid before the Ministry in Great Brittain

Flax and Hemp may be raised & made into Rigging in the manner hereafter proposed so as not to cost the Crown above 18 or £20 Sterling a hun.	Which hath & doth cost the Crown when the ships of war in this Port have occasion thereof from 40 to £60 Sterling
Sayl cloth may be made for 24 to 30^{l} Stl^{g} a bolt	Which hath & doth cost the Crown in this Port from 4 to £6 Stl^{g}.
Two inch oak Plank may be had and procured for 2^{s} 6^{d} to 3^{s} Sterling the Hundred feet & other Timber & Plank in Proportion	Which hath and doth cost the Crown when Her Majesty's Ship have occasion thereof 7 to 9^{s} Sterling.

May it please your Excellency

Having always observed in your Excellency so extraordinary & uncommon a zeal for promoting her Majesty's Service & Interest, on all occasions, but in a more particular manner in this relating to naval Stores, that notwithstanding I have already laid before your excellency a scheme of this nature, I have made bold to add this, being much encouraged thereunto by the great pleasure & satisfaction your excellency takes in any proposal whereby Her Majesty may be served, besides what I have offered hereabout, I do further presume to assure your excellency that the Hulls of Vessells not reckoning the iron work, may be built here on

the following termes viz from 30 to 100 Tunns for £1.10^{s} Sterling a Tun from 100 to 150 at £1.15. Sterling from 150 to 250 Tuns for £2 Sterling p^{r} Tun, from 250 to 350 Tuns for £2.10. Sterling a Tun & Vessels of larger Burthen from £2.15^{s} to £3 Sterling a Tun, now as it will take a considerable time before y^{r} excellency can have a return from Court, in answer to what is herewith proposed & that then the season of this year will be passed. If your excellency will be pleased to let me have so many of y^{e} Palatines, of men, women, boys, & children as I shall want for that use, & liberty to hire 10 or 12 Englishmen, or so many as I shall have occasion of not exceeding that number to be employed on such parts of the designs as the Palatines have no knowledge of, whose wages I will oblige myself to answer for £15 Sterling a year one with another, & of which I desire not to receive one farthing until the experiments a tryed & both the Court and your excellency do well approve of and like the design Upon your Excellencys granting me what is above requested. I will employ them in such manner relating to naval Stores, as I doubt not by the blessing of God to demonstrate & make out every thing I have set forth & will not only besides the preparations I shall be makeing for sayl cloth & rigging build a small Sloop of about 30 Tunns for her Mat$^{y's}$ service & without any other assistance then above compleatly fit her with Rigging Sayles (a vessel of that sort being much wanted in this Port for attendance on Her Mat$^{y's}$ Ships of warr & otherways, by which meanes the experiment will be fully tryed on every branch of the naval Stores above mentioned whereby she will every year more than clear herself) but will likewise be making preparations for the Galley proposed in that scheme already lay'd before your excellency & that your excellency may not be unaquaint^{d} with my proceeding herein, but have a full & perfect knowledge of every step I make, I will after I have entered upon these designes, every month or so oft as am required give your excellency an exact account upon oath by myself & every head man concerned therein, & if at any time upon the delivery in of my accounts your excellency is not convinced that what I am about is for her Majestys service & that there is not good reason to beleive I can perform what I proposed, or that it is disapproved of at Court, I shall then be content that the design cease refunding what I have received from her Majesty and that without asking for any other consideration than the takeing their labour for my satisfaction, but if on the other hand these matters do succeed as I am under no doubt but by Gods assistance they will, besides the advantage of building ships for Her Majesty's service & raiseing of naval Stores to be transported for refitting Her Majestys ships in the West Indies & where ever else Her Majesty's occasions may require, the ships of war on this Coast will be cleaned and refitted for a great deal lesse than one half of what they formerly have & must still otherways cost the crown

Upon the whole matter I most humbly beg leave to assure your excellency, that did I not firmly beleive, & was I not morally assured that I could fully performe all these great Services I have proposed I would never have presumed to have given your Excellency this trouble & if your Excellency will be pleased to grant what I have requested and afterwards procure me Her Majestys leave to proceed & I do build and fitt the Galley proposed & Petitioned for by the merchants as, one of the Guardships for this Coast, on as easy, if not much easier Termes than ever any vessel was built for y^{e} Crown & that I do not procure such naval Stores as before mentioned within the Termes proposed, then I shall be very far from desiring any satisfaction for my trouble or a continuance of the design—The great regard I have for Her Majesty's Interest which is so greatly injured by those abuses, in the unconscionable accounts of refittings in this Port & that I might have the opportunity of doing a Service for my nation,

greater of this sort than any man hath hitherto had the good fortune to Hit upon are the Bribes which have induced me to lay these proposalls before your excellency which I hope your excell^{cy} will not only pardon but permitt me in having the Honour to be

May it please your Excellency,

Your Excellency's

Most Obedient Humble Servant

CALEB HEATHCOTE.

Governor Hunter to the Bishop of London.

[New-York Papers, Aa., No. 99.]

Copy of a letter from Coll Hunter Gov^{r} of N Yorke to the Lord Bishop of London March y^{e} 1. 1712

My Lord

I know not whether I ought to ask pardon for this trouble or my long silence necessity Pleads excuse for the first, I had flattered myself, that I had gained the good will & affection of the Clergy in these parts which I proposed as a good foundation for our mutual quiet, but experience has convinced me that the best guarded conduct is not superiour to the malyce of designing men I shall not trouble your Lorship with reading here what you'll find at large in the inclosed Copy of mine to the secretary of the Society upon that subject, to which I beg leave to referr you & shall only acquaint you in generall that these who had been wrought upon to sign that secret Representation being ashamed of their Inadv rtency & those who had refused it triumphing in their Prudence, they all joyned in the enclosed address to defeat any part of it that was intended, or might appear to be levelled against me whatsoever motive prompted the contrivers of it, it was zeal which led the subscribers, I'll tell you what sort of zeal. In the words of the best & most judicious Churchman of any age "A Zeal which when it endeavoureth most busily to please God forceth "upon him those unreasonable offices which please him not and when it bendeth itself into "conflict with all things, either indeed or but imaginary to be opposite to Religion useth the "Razour many times with such eagerness that the very life of Religion itself is thereby hazarded. "Through hatred of the Tares the very Corn in the field of God is pluck^{t} up." This is the Zeal which prompt^{d} them and which if it get not a sober guide will worry us all there being but slender hopes of finding that Guide where it aut to be in their own Breasts I beleive your Lordship will joyn with me in opinion that there is an evident necessity of one some where else. I mean a Bishop or Person duly qualified and authorized to hear and report their true Grievances, Stifle their imaginary ones, to hold the reigns of their Zeal & give the spur to their Devotion and Labours, I say a person duly qualifyed Far be it from me to prescribe to those every way my superiours in a matter of that moment, but I will venture to affirm, that if the Person sent on that errand (especially the first) be not a man of Prudence true christian Spirit & Temper and knowledge of men and things, as well as books, our second state will prove worse than our first & where we hoped a Father & Directour of the Clergy we may find the

This Copy is ye lrć immediately following

head of a Faction: I would not be misunderstood, as if I meant to arraign the body of the Clergy here on the contrary I bear them witness that much the great[r] part are good men, these make no noise but keep themselves within the bounds of their mission but there are others whom I must pronounce vicious, if Faction, Pride, Malice, and blind Zeal be vices: In the first rank of this class stands the Rev[d] M[r] Vesey the present Rector of Trinity Church, here formerly an independant Minister in New England This Gentleman for what reason I know not had before my arrivall in those parts grossly & openly abused me & ever since that time has been a constant Caballer with those who have obstructed all settlement [of] the Revenue in order to starve me out as they phraze it, on the other hand, I have to a very eminent degree return'd him good for evil but all to no purpose, nor indeed can I entertain the least Glympse of hopes of gaining him that way, for one of his best friends, a person of note here, in a very free conference with him not long agoe told him, that for his own part he could not conceive how a man could manifest his zeal for the Church, or regard for him than by a regular well guarded life & conversation, great benevolence & ready concurrence in Building of Churches & all measures that can be proposed for establishing them, a constant and devout attendance at her ordinances, cherishing of church men and all possible act of civility & Friendship to him in particular to all which he only replyed that the conduct mentioned was suspicious, my Zeal affected and civilities constrained, This I beleive your Lordship will agree to have a neer resemblance to what is recorded of the Spanish Bishop Itacus, the scourge of the Priscillianists, take it in the auther Sulpitius Severus his own words "Hic stultitia eo[us]sque processerat, ut "omnes etiam sanctos viros, quibus aut Studium Inerat Lectionis, aut propositum erat certare "jejuniis tanquam Priscilani socios aut discipulos, in crimen arcesseret, ausus etiam est, miser, "ea tempestate, Martino Episcopo viro plané Apostolis conferendo palam objectare Heresis "infamiam." I am far from the vanity of running the Paralel the lenght of St Martin & me, but there is none in affirming that our sufferings are alike & a pretty near resemblance between our Persecutors, But my Lord, Ut me Collaudem, and in some measure to make good the character given me by that worthy Gentleman who has wrote at large on this subject to the Society by this conveyance Ile give your Lordship a short abstract of my conduct as to church affairs. The Rev[d] M[r] Vesey enjoys £30 a year by my free gift at my arrival, tho' I my self have not touched one farthing of Publick money since I have been in the Government & for which he hath never so much as thanked me Tho' I am amply recompensed for it, by a kind of letter of thanks from the Right Rev[d] the Lord Bishop of London. Having graunt[d] induction into the Church at Jamaica to M[r] Poyer, The Dissenters being in possession of the manse house, and the Collectors refuseing to pay him his Quarters Stipend, I have long pressed him but in vain to commence a suit against them, which I offered to carry on at my proper cost throug all the lengths requisite. I have by a liberal contribution & all the countenance and influence I could give it finished M[r] Veseys Steeple, The ancient Chappell in the Fort (hinc illæ lachrymæ) for many years past a Bear Garden, I have at a great expence put in repair so that it is now one of the most decent & most constantly frequented Houses of Prayer in all America. I have by my assistance and Interest at last finished the church at New Rochell* & granted a Patent for the Ground for ever, a thing often sought but never obtained during the administration of former Governors. I have now actually in hand subscription for the building of more at Rye, Piscataway, Elizabeth Town &c which I dare not offer till the late contributions are a little out of mind I have spared no pains to get finished the Forts and Chappells for y[e] receptions of our missionaries amongst the Indians & lastly what ought not to be boasted of by any but such as, like me, live amongst

*he may also say reconciled ye Parties & healed the Breach made by former mismanagrs.

bad neighbours, I have charitably assisted the indigent of the Clergy. Now my Lord if all my enemies joyned together can give the lye to one article of all these I promise to subscribe to whatsoever they please to 'Indite and if after all this I must be ranked amongst the enemies of the Church, God direct me in a way how I may approve my self her friend, for as yet I know no other

To conclude, my lord, what I humbly intreat & hope may justly expect, is that the most venerably Society will be pleased to think of some speedy & proper remedy, for those evills, & some method of doing me justice, I'll tell you my reason for the latter In the late convocation the Clergy being amazed at the apparent falsehood of former suggestions to my Prejudice, the Reverend M^{r} Vesey took occassion to declare as in the sight of God and as he hoped for mercy in Heaven, he had never directly nor indirectly presented any thing to the Governors Prejudice, either to Queen or Parliament, the Society, The Lord Primate or Lord Bishop of London and desired M^{r} Sharp to tell me so, this I confess startled me, I sent M^{r} Sharp to M^{r} Mackenzie & the others who had informed me of that scurrilous Libel against me presented to them for their concurrence & subscriptions and which they tore with just indignation to know the mystery of that solemn Potestation, who told him that it was the most gross privarication for these papers presented to them were address^{d} to none of the persons M^{r} Vesey had mentioned, but the one to the Earl of Clarendon the other to Coll Nicholson.

That noble Lord is the first I ever heard of who did me the honor to be my declared enemy for what reason I know not for I have suffered much for the services I did him. I have some difficulty to beleive the other Gent is so, nothing having ever passed between us but civility & Friendship, but if it should be so, he makes the number just two & I forgive them both & defy them being insconced by a certain MURUS ATHÆNÆUS[1], which I hope is proof against all their efforts

Your Lordship cannot think me very solicitous about keeping a station, which hath afforded me nothing but torment & Ruin but I have something more valuable to preserve, which I trust the world cannot take from me

Can you pardon this stuff, I will not promise to make amends by not troubling you with the like in future, but I hope never upon the same subject. I am wth the greatest deffirence & Sincerity, &^{c} &^{c}

Governor Hunter to John Chamberlayne, Esq.

[New-York Papers, Aa. No. 99.]

Sir

I am glad that you'll think[2] I make too ample amends at this time, for the short and imperfect hints, which the perplexity of affairs on this side permitted me only to give you until now; neither did I think there was amiss[3] in the conduct of our Missionaries, that time and good advice might not rectify for I have not ventured my opinion of them[4] as to the generality

[1] Murus Aheneus. — ED.

[2] I am *afraid* you will think that, &c. *New-York Documentary History*, 8vo., III., 250.

[3] there was *any thing* amiss. *Ibid.*

[4] *altered* my opinion of them. *Ibid.*

they are men of Piety and Industry, and whilst they keep themselves within the sphere of their Ministerial Function unexceptionable, as such I have ever treated them & lived with them as I thought in the most perfect friendship and confidence. This serves for Prologue to a story which I beleive will no less surprize you, than it startled me

Col Heathcote told me he was privately informed that there had been a representation against me carried about to some of the Clergy for Subscription; I could not beleive it being conscious to myself of nothing that I had done, left undone, or intended, with relation to the Churchs Interest, that the most consumate malice could ground a representation upon. That worthy gent. was of the same opinion but positive that there was such a representation, for which reason he in conjunction with Coll Morris as members of the society thought fit to write a letter to M^r^ Vesey & M^r^ Henderson in whose hands they understood this paper to be & who were the principal contivers and Promoters of it, signifying that they had been made acquainted with the design and desired to know the meaning of it, that if any thing were wanted for the Churchs Interest they might joyn with them in proper measures to procure it and redress what was amiss. All the effect that this letter had on these two gentlemen was a deep concern for the Discovery and some sharp reproaches on one an other as the discoverers Neither could the Rev^d^ M^r^ Sharp obtain a sight of it tho' he solemly promised to joyn with them in representing anything for the Churchs Interest, Provided it did not contain unjust or groundless reflections on y^e^ Governor. That Gentleman has given an account to the Lord Bishop of London how he was used by them, I shall not trouble you with it, So I am to answer to accusations from Persons I know not who, of crimes I know nothing of, before judges which I am not to know; for after all our efforts this matter is like to remain a mistry to me without mesures which nothing can induce me to take, and indeed with[1] the repeated advice of these two worthy Gentlemen founded on their apprehensions of the old maxime "Aliquid adhærebit, I would have been silent

I must begin with attesting the all discerning Searcher of hearts, for the sincerity of mine in my good wishes and best endeavours for propagat^g^ the true Interests of our Holy mother, in whose communion, ever since I was capable of sober thoughts I have lived and by the blessing of God am resolved to dye. In the next place I appeal to the evidence of all sober men, clergy or Laity, for a testimony of my conduct in my station with relation to that interest, But being to guess at the particular Facts of which I stand accused, I can think of nothing that can so much as afford a pretence for such a Representation unless it be the affairs of Jamaica Church here, and that must only be in the opinion of such as think that all the Laws, human and divine are to be set aside, when they come in competition with what they conceive to be the secular interest of the church

I see by one of yours that the society is not acquainted[2] with the true state of that matter, but I must beg leave to inform you so far as I have been concerned in it

M^r^ Poyer having the Societys mission and the Lord Bishop of Londons Recommendation to that Church I upon his first application granted him induction, the Dissenters were in possession of the manse house, by the contrivance of the widow of M^r^ Urquhart the former incumbent, whose daughter was married to a dissenting minister there, I consulted the Chief Justice Mompesson, how far I might proceed towards putting M^r^ Poyer in Possession, who gave his opinion in writing. That it could not be done órwise than by due course of Law without a high crime & misdemeanour This opinion I sent to M^r^ Poyer and begg'd him to commence

[1] without. *New-York Documentary History*, 8vo., III., 250.

[2] unacquainted. *Ibid.*

his suit at my Cost but heard nothing from him until some time after he came to complain to me that the Justices of that County had not done him right when required in procurg him his quarters stipend Upon which I sent for the Justice he named and expostulated with him the imprudence and unreasonableness of that proceeding He reply'd that he had done all that he was impowered to do by Law and gave me the reasons of the Church Wardens against the complaynt of Mr Poyer in that County Court, which were as follows

1 Because We had no money

2 We had no orders from the Justices and vestry[1]

3 Because we thought Mr Poyer not qualifyed according to the act

So after having argued the matter of Right with him from the words of the Act in the presence of Coll Morris, and Mr Regnier of this Place, I told him that I would forthwith give directions that Mr Poyer should commence his suit against them, and that they should not flatter themselves that it might be dropt thro' Mr Poyers present wants, for he should not want wherewithall to carry it on through all the lengths so just a cause required, and accordingly wrote to Mr Poyer to that purpose, which letter I desired the Justice to carry and he beggd to be excused, alledging it was hard to oblige him to carry his own condemnacôn So I gave that trouble to Mr Regnier who undertook to deliver it wth his own hand, Mr Coe the justice mentioned told me that all this was a practice of one Clow's a most vitious wretch, into whose hands Mr Poyer unfortunately fell at his first setting out, and lodged in his house led by his pretended Zeal for the Church, but as he himself has since owned to Mr Sharp, he was soon obligd to change his lodgings, few of his own communion desiring to come near him, whilst he was in so bad company, For (said Mr Coe) there were other justices of the Church Communion upon the Place, which might possibly have made a stretch in her favour if they had been applyed to, and which we might have acquiesced in for quiet, but the fetch was that I should by going these lengths disoblige all these of my own communion or refusing incur the displeasure and harsh opinion of the Government

Some time after seeing that Mr Poyer had made no account of what I had said, or wrote to him, being on long Island I took occasion to pay him a visit and press him again in the presence of both parties to commence his suite, all other methods besides the legal, being a real Detriment to the Church's Interest and only a temporary decision; some time after when Mr Poyer did me the favour of a visit, I begg'd of him, that since he was not pleased with the methods that I advised he would be pleased to write me down what it was he would have me do, protesting that if it was not against the establisht Laws, or known Rules of Justice, I would comply with it, all the return he gave me was that he had long since submitted it to his superiours at home and so could make no further steps in it without their advice

This is the true state of this case, I shall now begg leave to discover the secret spring that has set this matter in motion. The Revd Mr Vesey Rector of Trinity Church here had it seems in compliment to a great man then on this side, taken occasion to use me ill, before he knew me of which I was soon informed after my arrival and for which reason I did all that was in the power of man by good offices and Civilities, which he was pleased to call constrained, to persuade him into a better opinion of me; His Provocacons increased in the Proportions that my kind usage did (I speak nothing but what is known to the whole Province and despairing ever to extort a Persecution from me he casts about for an other Plot to hurt me,

[1] according to an Act of Assembly to pay any. *New-York Documentary History*, 8vo., III., 250. See, also, *post*, p. 329. — Ed.

Perswades Mr Poyer that there is danger and a deep design in the Tryall that I so much prest, by this means he gains these Points, takes an opportunity from me of manifesting my zeal for the Church, which he has so often Called in Question and gets ye unwary & least discerning part of the Clergy here to set their hands to a paper without enquiring into the truth of the matter contained in it, it being mention'd to them as an affair that required the greatest secrecy & of the last consequence to the Interest of the Church, Thus had this gentleman contrived to put me under a necessity as he thought of either doing an Act of violence in the favour of the Church (whereas the wound given her by an act of that nature in the same case remains smarting to this day) and so unavoidably and deservedly being recalled with disgrace from my Government or of running the hazard of being represented no friend to Her Interest & consequently unworthy to continue in it

But to lay the Mistery of this Iniquity, for so it is, a little more open, the Reverend Person so often mentioned in whose eyes my best actions were crimes, took much exception at my putting in repair Her Majesty's Chappell in the Fort & sent me by Mr Sharp[1] some messages about that matter, which for the revence I bear his wholy function I choose not to repeat. When I first entered upon that design I acquainted him with it and he made not then the least objection to it, which made those messages the more surprizing. I sent for him and reasoned with him upon that head, from the Decency, Expediency and necessity of it, that Chappell being one of the Oldest Houses of Prayer in the place, tho' for some time past a Bear Garden, I urged that the Souldiers had no room nor place in the Church neither was it safe to march the Garrison so far from the Fort, and that Her Majesty paid a Chaplain for that particular purpose, and had graciously bestowed Plate, Books & other Furniture for the use of it, but all this served only to plunge him into a fit of Passion @ me into a deep astonishment. I referred him to the Right Revd the Lord Bishop of London, that most worthy Prelate in a letter to me injoyned me to bear with his Infirmities whilst he endeavored to set him right, which is the conduct I have hitherto nicely observed with relation to that Gentleman He having received advice from my Lord of London declared to everybody that he was blamed by that Bishop in every thing or (in his own words) that he was cast in the Bishops court, but that if all the Bishops of England were of the same opinion wth that noble Prelate, he would be of his own still but for the future would not meddle with the Chappel or any other of the Governors affairs. Happy had it been for him, me and you, for then you had not had this trouble if he had continued long in that good Resolution but there came over hither one Mr Henderson a missionary with a new Light who was pleased to define the repairing of the Chappel a Schism. and having by that means sett us all on fire again, he is upon his departure for England charged with the clandestine representation. This young Gentleman came from England not long agoe for Dovor Hundred in Pensilvania whether he disliked the people or the people him I cannot tell but he remayned but a very short time among them and returning to Burlington in the Jerseys Mr Talbot got him to supply his place during his absence, being come himself to New York to pursue a resolution he had taken of going to England; Col Quary acquainted me that in his passage through Burlington he found that poor congregation all in a flame, Mr Henderson it seems had thought fit in performing Divine Service to leave out that prayer

[1] Rev. John Sharp was originally assistant to the Rev. Mr. Talbot, of Burlington, N. J., and gathered a Church at Cheesquaks, where he preached several times. *Collections of Protestant Episcopal Society*, I., 57, 58. He succeeded Mr. Mott as Chaplain to the fort and forces, on the 20th of October, 1704. *Commissions*, III., 95; and in August, 1706, preached in Trinity Church, N. Y., the funeral sermon of Lady Cornbury, which was subsequently printed in London, whither Dr. Sharp retired, and resigned his Chaplaincy, in 1717. *Berrian's History of Trinity Church*, 38. — Ed.

in the Litany for Victory over Her Majestys ennemies, and the prayer appointed to be said in the time of War; The cheif of that congregation had took exceptions at this, but he gave them no other reasons for so doing but that Mr Talbot had done so, they replyd that having been long acquainted with Mr Talbots exemplary life they were willing to bear with his scruples, but he could pretend none having formerly never omitted them & further that this would look as if that congregation could not bear any such prayers which was a thing far from their hearts, and intreated him to pray as he was appointed by his superiours, or they would not willingly assist at them for the future. Mr Quary desired me to speak to Mr Talbot upon this head I begg'd of him first to do so, and then if there was any necessity I wou'd, he did so, & the result was that Mr Talbot went back to Burlington and Mr Henderson came hither to go for England in his place, having in charge the secret Repn mentioned; one thing more with relation to that young gentleman known to be no otherwise than by the civilities I have paid him, I cannot omitt, Mr Willocks a zealous church man here told me, that he had used the most reverend the Primate of all England wth most scurrilous and opprobrious language, for which he reprimanded him & for the truth of which he desired that his, Mr Talbot's & Mr Vaughan's oaths might be taken being present at the conversation, Thus this Gentleman having set us all on fire goes over to justify his own unaccountable conduct by accusing of the Innocent

Since writing of the above some Incidents have Chang'd the situation of affairs in some measure Mr Henderson having industriously shew'd about a letter of Mr Talbots, accusing the Revd Mr St Clare Missionary in Pensylvania of having run away with his Landlords wife, Mr St Clare upon his arrival here took out a Writ agst him for Defamation and Mr Henderson being advised of it returned to Pensilvania The inclosed letter from Coll Quary to Captn Gordon will sufficiently inform you of the malice of that Reptn I shall only acquaint you that this gentlewoman is bound for England with leave from her husband who Spoke to Captn Gordon for a passage for her when he was there, whether the report was in order to prevent his going for England or to take of the force of what he might represent at home, in relation to the affairs of that Province, I shall not determine but must affirm their was neither Prudence nor Christianity in propagateing it upon so slender grounds This affair however gave me time to convocate the Clergy, to whom I spoke as in the paper marked (A[1]) and next day had their answer marked (B) which I think sufficiently clears me of any suggestions to my disadvantage in that Repn which it seems is still to remain a secret, for reasons best known to themselves. The Revd Mr Bridge when it was presented to him ask'd if the Govr had seen it, and being told no he refused to sign it, Mr Mackenzie and Mr Thomas told me, that had they forseen the use that was intended to be made of it, & its consequences, they would never have signd it, the latter using this expression, that he would have sooner burn't his hand to a stump than have signed to it These and some others have owned that there was one Repn in direct terms against me offered to them which they rejected with scorn

To prevent all such clandestine measures for the future I have proposed to them that there be two yearly Convocations at which they may concert & agree upon what may be requisite to be represented for the Churchs or their Interest to which I have promised my hearty concurrence

Having tired you with this matter, I shall now come to others of more general concern I have now bargained, with Mr Tatham for that House and Land at Burlington & as you will observe by the inclosed Deed marked (C.) have reserved the space of four months for the

[1] For this paper, see *New-York Documentary History*, 8vo., III., 257. — Ed.

Societies Assent or dissent, which I beg I may have speedily that we may not be loaded with Interest, The house is much out of repair and will be in a Short time unhabitable, if there be no directions given for repairs

When I was in those of the Communion of the Church at Stratford came to me in a body & then as they have since by a letter begg'd my Intercession with our most venerable Society & the Right Reverend the Lord Bishop of London for a missionary, they appear very much in earnest, and are the best set of men I met with in that countrey but not very numerous as yet, I have wrote to you formerly on this head, as I have at large to the Bishop of London I think £100. Sterl: p^{r} annum for a small term could not be better bestowed, I have advised to send M^{r} Mackenzie thither, who is a pious, sober, learned and laborious man, but it would be a hardship to send him thither on any other terms than what I propose, whoever is sent, I hope due care will be taken, that he be what I have described M^{r} Mackenzie to be, for there is no good to be hoped from a man at Mettle and Dispute

The Forts to be built in the Indian Country by Her Mat^{ies} order, for the Reception & safety of the Missionaries are actually in hand one block house was built in the Mohaques Country before the Frost, that Fort will be finished in the spring and the other in the Onondagues country next fall so its high time to think of Missionaries for that Service, if they be not enjoyned to teach our Language to the younger sort I have for my own part but slender hopes of success answerable to so good a design, for upon my own certain knowledge our Scotch Highlanders who keep to their ancient language, habits and customs, have little more of Christianity besides the name than they had in S^{t} Columbs days

The Treasurer of the Society may call for my annual Subscription from M^{r} Sloper my agent if he has not already done it or if you please to give directions that it may be paid for the uses of the Society in those Parts it shall be comply'd with This long letter I beg may be communicat^{d} to the Society & I humbly recommend the contents thereof to their serious Consideration

Feb: 25. $17\frac{11}{12}$ I am &^{c}

Colonel Robert Quary to Captain Gordon.

[New-York Colonial MSS. Albany, LVII.]

Hon^{ble} S^{r}

I am favoured with yo^{rs} of the 20th of January by which I find that mine by the Reverend M^{r} S^{t} Clare was not then got to yo^{r} hands, I was very much Surprized at such a Scandalous Character given him by M^{r} Talbot and M^{r} Evans and soe uncharitably Improved by M^{r} Henderson since all his Noise Hath noe other foundation than bare Suspicon Improved by the Malice of prejudiced p^{r}sons, that there hath beene such a Scandal Reported of him is Certaine, but I can assure you that I have made a very nice Enquirey but could not hear of any other foundation than bare Rumour, the Reverend M^{r} Ross went down to New Castle on purpose to know the truth of those severe Reports, and at his Returne assured me that he cold find noe other Ground than a bare Report very much Improved by his Enemys, I had an opôrtunity of Discoursing those two Gentlemen M^{r} Talbot and M^{r} Evans very lately on

this Subject and they both told me that on the strictest Enquiry they cold make into y^e^ scandalous Reflection Charged on the Reverend M^r^ S^t^ Clare, they did not find more than bare suspition and in particular the Reverend M^r^ Talbot told me that hee hade that day spoke with one that lives in New Castle, and noe friend of M^r^ S^t^ Clares, who assured him that he did verilly believe that all that part of the story of his Beating M^r^ Tongue was false, but that he heard that there was very hard words past betwixt them I was very apprehensive that these two Reverend Gentlemen M^r^ Talbot and M^r^ Evans would write home to the prejudice of D^r^ S^t^ Clare, and for that reason tooke occasion to discourse them both on y^e^ unreasonableness and Injustice of Wounding the Reputation of any Gentleman without good proofe, Especially for them to doe it against one of their own Bretheren, Which they allowed and both of them gave me all the Assurance that cold be Given that neither of them either had or would write any thing ag^st^ M^r^ S^t^ Clare, which made me the more surprized at the account you gave me, Since I Rece^d^ your Letter I thought my self obliged to Charge M^r^ Evans with his want of sincerity with me, hee doth positively denye that ever he writt a line home ag^st^ that Gentlemen, or that he Writt any thing to M^r^ Henderson about those Scandals Charged on him, but owns that he writt to him about M^r^ S^t^ Clares Injustice to himselfe in Relation to some private acco^ts^ betwixt them, and now that I have given you the true State of this Affaire I am Obliged to tell you that Yesterday M^rs^ Tongue came to my house to Request me to Recommend her to you for a passage, Which I utterly Refused, and should M^r^ S^t^ Clare be soe Imprudent as to goe home with her it will be a Confirmation of all the Reports that goe of him, must totally ruine his Creditt and Reputation at home, and ruine the woman too, Which is all need say, since I am sure you are soe much his ffriend as to advice him to the Contrary and prevent his ruine, thô ag^st^ his Will, I did purpose to have made some Remarks on M^r^ Hendersons uncharitable useage of his Brother S^t^ Clare, but the post hurrys me and will not give me leave to add more than the tenders of our hearty service to yo^r^ selfe and your very good Lady, by the next you shall heare more at large from

Honourable S^r^

Your most affec^t^

humble Serv^t^

February 5^th^ 1711. Rob^t^ Qary.

Colonel Morris to John Chamberlayne, Esq.

[New-York Papers; Aa., Art. 99.]

Worthy Sir

My Lord of London laid his commands on me to transmitt him an account of the affairs of M^r^ Moore,[1] which I have done, and inclosed me duplicates of what Affidavits I sent to his Lordship, and of M^r^ Sharp's narrative, who kept a Diary while in N York. I wrote also to the several ministers in New York to tell me what they knew of it to take away all Pretence of acting clandestinely, and to give those of them, who were my Lord Cornburys friends an opportunity of saying what they could in his justification, for you must not wonder that

[1] Rev. Thorogood Moore; of whom see Ante, IV., 1077. — Ed.

Mr Vesey begins to set up to head a party of those; I have got no answer from any body but honest Elias Neau, who tells me he has given you what account he could of that matter, which is inclosed with my letter. You may see by those affidavits there could be no such thing as a Parole given, for my Lord was so far from admitting any thing like it that he would not even permitt him to go to Church, tho' security was offered for his return, and most certainly the officer in my Lords absence, durst not besides how can a man be said to be at liberty on his Parole when orders are given from officer to officer, to keep him a Prisoner, and a centinel charged with him; if he was on his Parole, why was the centinel put in irons, and so severely punished for letting him make his escape, this ought not to have been done if he was on his Parole. I am sure I never heard of any such thing till I saw a Paragraph of your letter to Mr Sharp; His Lordship or his friends in England have started that which nobody here ever dream't, could have been possible to offer in a case so well known but the Affidavits with sett[1] that matter in its true light. This pretence that Mr Moore deny'd the Queens Supremacy is as week as its untrue, for if he really had my Lord had then scope enough to gratify a resentment, which his conduct to Mr Moor shew'd he did not want. Burlington was not without a strong Goal which would have been a more severe confinement than the Fort of New York, and a Tryal upon the Spot where evidences (if any) were to be had, was much more natural as well as justifiable, than sending him to England 3000 miles off, where no such thing could be proved against him. All that Mr Moor wanted was to go to England, to lay his complaints at the feet of his superiours, and would he or any of his friends in the least have beleived my Lord would have sent him there, he never would have undertaken so hazardous expensive and fatigueing a journey to New England in order to procure a passage home, no, his fears suggested other things and whether groundless or not I shall not determine, I have heard it offered that the reason of my Lords intentions in sending Mr Moore home, was because he was cautious in meddling in Ecclesiastical affairs, why then did he confirm that ridiculous suspition of Mr Moore by Coll Ingoldsby that was properly an ecclesiastical affair and meddling with a witness but of this enough

Here begins Coll Hunter's case

If my memory does not very much fail me, I mentioned to you in my last, which went by the Mast Fleet, a Representation was made by this and the Neighbouring Provinces, I have been told some of the contents of it but could not get a sight of it, tho' Coll Heathcote and myself not only endeavord it, but had apply'd to the Governor who very readily assured us, that he would remove any just cause of complaint, if in his Power, when it was known what it was, tho' neither he nor we could think any under his administration in his Power to remove, we thought that if the Representation was to the society, we being Members of that body had some kind of right to a sight of it, and as we had resolved to use our Interest to get removd whatever was the occasion of it so we should have been very ready to have joyned in Representation that was necessary to transmitt to you, as we signified by letter to Mr Vesey & Mr Henderson, in whose hands that Representation was but have received no answer from them at all, tho' the common civility of a line in return would not have cost them much trouble. I could wish these Gentmn that are concerned in this matter, who are missionaries of the Society could be prevailed on to beleive that makeing representations, and forming parties in Government or joyning and encourageing those already formed is not the interest of their mission, nor can be no good effect of it, and that others concerned may be told, if their own experience have not already convinced them of it, how much the more

[1] will sett? — Ed.

difficult it is to reconcile men than to divide them, and how much more becoming Persons, whose proper business it is to preach the Gospel of Peace

If what is contained in that Representation be true I can not see what should hinder them from letting us see it especially when no other use would have been made of it than to have removed the causes of it at least so far as could be done in New York and Jersey where we were concerned, and was assured of the Governors concurrence, how far they have accused him I dont know, tho' I am told they have done it but not in direct Termes. I hope they have not because his conduct towards the Church merits a better Treatment, which they must have been ignorant of, if they have ventured on any thing that looks like arraigning of him, But because I too well know, the implacable temper of some and the folly and weakness of others, and that many honest men are much easier prevailed upon to joyn a Representation of things than enter into a nice examen of the Facts on which they are said to be grounded I take levave to lay before you an account of the Governors conduct with respect to the Church, since his arrival here, and this from my own knowledge and such unquestionable accounts as can be proved on oath if there is necessity, though there is very little of it relating to y^{e} church but what I have been eye or ear witness to

On his arrivall application being made to him for the Queens Farme by the Church at New Yorke, he immediately gave it them during his time. M^{r} Vesey the great mover in all these matters instead of giving him thanks procures an address to be made to him from the Vestry, praying him to joyn with them in a Representation of that matter to the Queen, and pray Her Majesty to grant it to them, I suppose you are not ignorant that the Church pretends a right to that Farm by grant from Coll Fletcher, which grant was vacated amongst others by Act of Assembly, and that Act confirmed by the Queen, Coll Hunter told them he could not joyn in any thing of that kind, the Queen very well know^{s} the state of that case nor would he endeavour to put it out of the Power of his successor to oblige them that being a conduct not to be justifyed, that he had given it during his time which was all he could do — This Gift was so far from pleasing M^{r} Vesey that it had contrary effects, and because the Governour would not go all the lengths he was desired he was Industriously represented to the People as no Church man. I can't see what end this could serve besides gratifying too much ill nature except it were discouraging the Church, and encouraging the dissenters (if either of them should beleive the Person at the head of affairs here was a Dissenter) or really makeing the Governour what they pretended he was, but it was not in the Power of some men who wear the Churches Livery by an imprudent conduct to make the Governour an enemy to the Church, for no sooner was application made to him in behalf of the Church at New Rochel, the building of which had been a long time opposed, but he gave an order to Coll Heathcote & myself to appoint a Place for it in the High Street, which we did, saw the Foundation laid, and it's now finished or very nigh it, being a very good Stone Building & his purse as well as his power contributed to make it what it is.

The Queens Chappel in the Fort, that from the time of Coll Fletcher till his arrivall had been put to the several uses of Store house, Bear house, and work house, he took care to have decently fitted up and applyed to the use it was built for, and the Soldiers who before were carried out of the Garrison and during the service stood for the most part in the Steeple, where they could but imperfectly hear are now very well accommodated with Seats in the Chappel, where the Service is regularly performed, and there is yet room for persons to build Pews who want Seats in the church of New York, and who are inclined to build would the

Governour admit them, which he has hitherto declin'd, but I suppose its on Mr Veseys Score, who takes all the Pains he can to make the People beleive that the fitting up of the Chapple is a rending and dividing of the Church, & has so ill a notion of the Sin of Schism, that he charges it on those who go to worship in the Chappel, wch are besides the Governor, some men of the best figure of the Province, there joyns with him in this, one Henderson, a Missionary of the society's to Appoqueminy who has left that place in order to return to England, pretending he can not get a lodging within the limits of his mission, when he first told me this, I could hardly give credit to it, & advised him not to forsake the station the Society had placed him in without their leave but endeavor as much as he could to answer the end of his Mission in some place near, where a lodging could be had; This advice being contrary to his inclination had but little weight with him, he seeming resolved to return without their Leave, if he could not procure it, whether he applyed for it or not I can not tell, he is going home in quality of Agent for a Party, or their letter carrier I do not know which, nor do I much discredit his not being able to procure a lodging in the place he was sent too, the extraordinary fire of his Temper being such, that his heat deserves rather the epithet of madness than Zeal, and did he prove as much an Incendiary at Appoqueminy as here, the society have no reason to be displeased with his return and I hope won't put it in his power by any mission to these parts to do the Church so much hurt as his ungovernable Temper must necessarily occasion

I am told these men Arraign the Governor's conduct with respect to Mr Poyer, and the church at Jamaica, the state of that affair I'll lay before you as fully as I can & it is thus.

In Coll: Fletchers time one Party of the Dissenters in the County where Jamaica is resolvd to build a church and in order to it got subscriptions, and materials enough to build it about three foot from the Ground, but finding themselves unable to perfect it without the assistance of the rest which could not be got by persuasion they resolved to attempt the getting an Act of Assembly in their favor. Coll Fletcher who was then Governor & James Graham Esqre then speaker of the Assembly, perceiving the Assembly inclined to raise money for the building of that church, and settling a maintenance for Ministers; thought it a fit opportunity to do something in favor of the Church, before the Zealous fit left them; Accordingly Graham who had the drawing of their Bills prescribed a method of Induction and so managed it that it would not do well for the Dissenters, & but lamely for the church, tho it would do with the help of the Governor, & that was all, but it was the most could be got at that time, for had more been attempted the Assembly had seen through the Artifice being most of them Dissenters & all had been lost, by virtue of this Act the church was built and a dissenting Minister called (and if I mistake not) Paid, the other dissenters who were forced to comply were very much dissatisfied at this Proceedure of their Brethren, & many of them appeared in the Interest of the Church thinking no way so effectual to defeat their adversaries, and this was the beginning of the Church of England in Jamaica on Long Island the Church and the Parsonage house continued in the possession of the Dissenters till some time after the arrival of Mr Urquhart when a Representation was made to my Lord Cornbury that the Church and house being built by publick Act could belong to none but the Church of England. My Lord upon this gives his Warrant to disposess the Dissenters which immediately by Force was done without any Proceedure at Law and Mr Urquhart put into possession of them this short Method might be some service to the Minister but was very far being any to the church, as no such unaccountable step can ever be, Mr Urquhart kept the possession during his life, and tho' he

gained not many converts yet his conduct was so very good, that I do not think he lost any after Mr Urquharts death his widows daughter married a Dissenting Minister, & she put the Parsonage House into his possession in which it continues till now, this happen'd much about the time of Coll Hunters arrival, whether application was made to him or not I can't tell, but some changes in the Magistracie being made, and by chance one or two put in that were patrons of the Dissenters Mr Poyer & his friends choose to apply to those they were sure would refuse them, and not to those in Place who were firm to their Interest, & being refused complained to the Governor, who immediately sent for the Person, and ordered him to be prosecuted that it might appear whether he had failed in his duty or not whether the Prosecution was continued or not I can't tell, but I happened to be in the Governors chamber when this judge and a dissenting Minister came in, & this matter was talked of, he said that the intention of the Legislature at that time was to raise a maintenance for a dissenting minister all the Assembly but one being Dissenters and knowing nothing of the church, that that[1] being the intention of the Law makers was the meaning of the Law and he hoped the Dissenters might enjoy what was so justly their due, or at least not be depriv[d] of it without due course of Law, as they formerly had been I told him that the Legislature did not consist of the Assembly only, but of the Governour and Councill joyned with them, whose intentions might be quite otherwise, & I believed were, that it was most certain the Governor at that time never intended to settle a Dissent[g] Clergy, that the meaning of the Legislature was the meaning of the whole Legislative and not of any part, and was most likely to be found out by the words of the Act which most plainly appeared in favour of the Church of England, the Governor joyned in the Argument, and argued with a great deal of Force in favour of the Church, who he said he could not help thinking was in the right with respect to their claim, that they may be sure matters of Property should be determined by the ordinary course of the Law, by which perhaps they being numerous might weary Mr Poyer: being a poor man, but that Poyer should have his purse for the carrying on that Suite @ a day or two afterwards told Poyer so himself. Some time after that wrote to him giving the Gentleman who carry[d] the Letter in charge to tell him he still continued in the same mind; the Governor being at Jamaica repeated the offer of bearing the whole charge of the Suit and pressed Mr Poyer to undertake it Coll Heathcote also pressed him to undertake it giving him the same assurance from the Governor; and Poyer promised to do it, but has been prevailed on to decline that method (as he says) till their Representation reach England, and I beleive the Poor man and his friends are weak enough to beleive, that their Superiours there will enter into measures to displace the Governor for not dragoon[g] in their favour as his predecessor did or get orders for his so doing, which may gratify their little Itch, and that's all for it will be very far from doing any good

The Act to settle the Church is very loosely worded which (as things stood when it was made) could not be avoided, The Dissenters claim the Benefit of it as well as we, and the Act without much wresting, will admitt a construction in their favor as well as ours, they think it was intended for them, and that they only have a right to it, there is no comparison in our numbers & they can on the death of an Incumbent call persons of their own persuasion in every place but the City of New York and if by force the Salary is taken from them & paid to the Ministers of the Church it may be a means of subsisting those Ministers but they won't make many converts among a people who think themselves very much injured whereas let this matter be once regularly determined, and then their mouths are forever stopt, and they'll

[1] *but* that. *New-York Documentary History*, III., 245. — Ed.

live in Peace and then the Church will in all probability flourish and I beleive had at this day been in a much better position had there been no Act in Her favor, for in the Jerseys and Pensilvania where there is no act there are four times the number of Church men than there are in this Province of N. York, and they are soe most of them upon principle whereas nine parts in ten of ours will add no great credit to whatever church they are of, nor can it be well expected otherwise for as New England excepting some Families was y^e^ scum of y^e^ old, so the greatest part of the English in this Province were the scum of the new, who brought as many opinions almost as Persons, but neither Religion nor Virtue and have acquired very little since. It is with the rising generation the work is to be done, and schools will be one great means of doing it, but of that I shall give you my thoughts by another conveyance having I fear too much tired you with the length of this. I thought it my duty to do the Governour justice, and speak what I know to be true of him had he proved an enemy instead of a friend to y^e^ Church, I should not have scrupled to have wrote the truth of him with the same freedom as I did of his Predecessor.

Since writing of the above the Governor wrote to M^r^ Poyer a Copy of whose letter is enclosed (N° 1) to which M^r^ Poyer made answer (N° 2 In it he confesses the offer the Governor made him of his purse, There was two or three days consultation between M^r^ Vesey, Henderson, and Poyer to form that letter in which (agreeable to their other conduct) they have taken care to sett the severall Parts at Variance one with another, I have made some observacôns on it which follow

Affirmation	Contradiction
The frequent Applications I have formerly made to your Excellency prov^e^ ineffectual have oblig^d^ me patiently to sitt down under the Burden of them for about fifteen months last past without the least complaint.	Whether these applicôns were Particular or too General I humbly refer your Exc^ly^ to y^e^ Memorials & Pet^ns^ I have in relation to this matter present^d^ you, and a little lower I acquaint^d^ y^r^ Excell^cy^ when you was pleased to make that kind & generous offer of your Purse

to support it that I could not put a matter of so generall concern in Action, without the advice and direction of my Diocetian and of the venerable Society &c to whose judgement I have long since submitted the whole affair

Observation.

If M^r^ Poyer had made frequent applications and gave the Gov^r^ Severall Memorials and Petitions, and had represented that matter to my Lord of London and the society how can it be said that [he sate down patiently without making the least complaint?

2^ndly^ As it cannot be supposed that he made any memorials or petitions without complaining, so 'tis very plain from his own words he could make none to the Governor for to what end could these memorials &c be if he was resolved not to meddle in a case of so general concern without the direction of the Society &c to whom he had as he says submitted it—

3^dly^ If any memorials & petitions were made to the Governor they must be made before or after the beginning of the 15 months not after by his own confession and before he could not, for from his Induction July 18^th^ 1710 to the 18^th^ October following there was but one Quarters Salary due and whether it would be paid him or not he could not tell 'till he had used the methods directed by Law which he did on the 27^th^ following being nine days after, so that before there was no room for any application petition or memorial to the Governor

What he gives as an answer to the several Questions the Governor proposed is not with that modesty I think became him for it was his proper business to get the Information the Gover^r^ desired he being the person aggrieved and not to bid the Governor do that himself: he concludes with hoping that letter joined with the memorials & Petitions he had formerly preferred would sufficiently inform his Excellency of the state of his case.

Any person or Stranger to things that read this and the foregoing parts of his letter would conclude that he had presented several memorials & petitions without any effect but as it is plain by what goes before he could not, so really he did not, and nothing is more untrue than what he asserts for the Governor protests he never had any other papers petitions or memorials from him or any body else relating to the Church of Jamaica than the Copy N^o^ ( ) and that N^o^ ( ) the first a loose Scrip of paper signed by nobody & wrote in such a manner as I should have been ashamed to have given to an equal the other a Copy of a Record of Court signed by the Clerks but if men will give themselves leave to say anything who can be safe.

M^r^ Vesey who had and still makes a tool of that weak man Poyer with him prevailed upon M^r^ Evans of Philadelphia and M^r^ Talbot as I am told by some of themselves to sign a Representation in direct terms against the Governor; this representation was not made (as all representations ought to be) at a general meeting of the Clergy but drawn up in private and so sent about to get the subscriptions of as many as they could for this end they brought it to M^r^ Makenzie on Staten Island who no sooner read it but discovered the falsehood & wickedness of it and convinced Mr. Talbot who I believe signed without reading of it on the credit of M^r^ Vesey Henderson and Poyer for he exclaims very much against Vesey for surprising him into the signing of a paper just as he was taking Boat: this Representation by the unanimous consent of these that were there present was destroyed but however a representation running in their heads and they a Gogg to be dabbling in politics (an inclination which I wish our missionarys had less of) a representation was resolved upon to be made to my Lord of London of the state of the Church of Jamaica. It was signed by those who were there and sent about to get the hand of the rest many of whom signed it tho' at the remotest distance and probably Strangers to matters of fact as well as unconcerned in things relating to this Province. The Governor being informed of these things resolved to set that affair in a true light and convince those of their errors whom weakness and not malice had engaged in it Accordingly sent for all the Clergy in his Government and to as many as came he made this Speech N^o^ ( ) who next day presented the address N^o^ ( ) they seemed to be ashamed of their procedures and I suspect they have but too much reason to be so for all our endeavours cannot prevail on them to discover the contents of that Representation and why they should so industriously conceal it I can't see except it be that it be that it won't bear the light in this part of the world where matters can be examined into. * * * *][1]

Feb: 20 1711.

[1] The passages included within [ ] are from *New-York Documentary History*, III., 248, 249. — Ed.

Address of the Clergy to Governor Hunter.

[New-York Papers, Aa., Art. 99.]

Copy of an Address from the Clergy of New York, to His Excellency Robt: Hunter Esq^re^ Governor of that Province markt B

To His Excellency Rob^t^ Hunter Esq^re^ Capt^n^ General & Governor in Cheif of Her Ma^tys^ Provinces of New York, Jersey, and Territories depending thereon in America and Vice admiral of the same

The humble address of y^e^ [clergy of y^e^] Province of New York

May it Please your Excellency

We the Clergy of Her Majestys Provinces of New York, being in obedience to your Excellency's desire assembled, taking into consideration y^r^ Excellencys favorable speech to us do with all submission return the following answers to the several particulars thereof

The establishment of the Church here by Act of Assembly being so precarious, and liable to so many inconveniences, we beg your Excellency to advise us whether it may be proper for us to address Her Mâty to settle it on a surer foundation, not only in such places, where it is in some measure planted, but in other places where the Benefit of that Act has not yet extended

In relation to the affair at Jamaica, We assure your Excellency that such of us as have already made any Representation thereof designed not thereby any Reflections on your Excell^cys^ Administration. On the contrary we gladly embrace this opportunity to return your Excellency our humble @ hearty thanks for graunting M^r^ Poyer Induction, immediately upon his arrival, notwithstanding the designs of the adversaries of the Church there to prevent it, and for consulting the Cheif Justice in what might be proper for his effectual releif, and Settlement

And we are very sorry that the Justice M^r^ Poyer complained of could not be prevailed upon by y^r^ Excellencys expostulation to perform his Duty notwithstanding your Excell^cy^ was pleased to assure him M^r^ Poyer should not be born down by reason of his Low Circumstances, but should be supported in his suit by the Generous assistance of your Excellencys purse

We are divided in our opinions about bringing the matter to a tryal at Law because some that have signed a Representation of this case are still of opinion that it might not be brought to a tryall till the Bishop of London to whom they have addressed it give his directions therein, tho' others that have signed the said Representation do concur with those that have not, in the method that your Excell^cy^ proposes for redressing M^r^ Poyers greivances, being now better satisfyed in what your Excellency informs us that it is only cognizable before those from whom We can expect impartial Justice

We are sorry M^r^ Poyer did not return your Excellency a more particular & satisfactory answer to your Excellencys Questions, but he assures us he was not then capable of doing it and that the deficiency of his answer did not proceed from want of respect to your Excellency

We can not but express our hearty satisfaction in the firm Assurances, your Excellency has been pleased to give us of your sincere affection for the Church, and zeal to promote Her Interest, in the acknowledgement whereof we heartily pray your Excellency may plentifully share in those sure blessings promised to all those that love her, and seek her Peace, begging your Excellency to beleive, that we shall always be ready agreeable to her Principles to

behave ourselves with all Dutiful respect and obedience to your Excellency's administration and subscribe ourselves with all sincerity

May it Please your Excellency

Yr Excellcys Mo: faithful humble Servts

+ William Vesey[1]
Chris: Bridge[2]
Æneas Mackenzie[3]
John Thomas[4]
John Bartow[5]
Henricus Beys[6]
+ Thos Poyer[7]
John Sharpe[8]
Danl Bondet[9]
Alex: Innes[10]

Governor Hunter to the Reverend Mr. Poyer.

[New-York Papers; Aa., Art: 99.]

Sir

Tho I have as often as I had opportunity intreated you to let me know wherein I could releive you from the Hardship you have complained of, Yet the Assurances I have given you that I would to the utmost of my power exert myself in your favour, have met with a lukewarm reception,[11] as the offers of my Purse to carry on a suit at Law against any persons who may have opposed the Church's and your Interest in your Parish, If I may judge by the effects they have produced for as to the one, you have not thought fit to commence any suit, nor that I yet hear to make any steps towards it, and as to the other your complaints have been only in genll that your Stipend is not paid; I desire therefore that you'l give me your answr to these following Questions forthwith that I may be particularly informed of the State of your case, & be enabled to possess the Bishop of London with it Likewise

1. Are the Vestrymen and Church wardens chosen pursuant to the Act?

2. Have the Vestrymen and Justices laid a reasonable Tax for the ministers Salaries?

3. If they have neglected to do it have the Justices or any two of them done it after such neglect, as they are directed?

4. If any default has been made or neglect by the vestrymen @ Justices or any of them, have you or any body else informed againsts them? if you have, have the Fines been collected? if neither you nor no body else have informed why has it been neglected?

5. If a Tax has been laid & a Roll made out, have the constables collected it, if they have has it been paid by them to the Church Wardens? if they have not have they been informed against and the Fines levyed if not, why has it been neglected?

[1] of Trinity Church, New-York.
[2] of Rye, Westchester, Co.
[3] of Staten Island.
[4] of Hempstead, L. I.
[5] of Westchester, Westch. Co.
[6] of Harlem.
[7] of Jamaica, L. I.
[8] Chaplain to the Fort of New-York.
[9] of New Rochelle.
[10] of Shrewsbury, N. Jersey.—Ed.
[11] as lukewarm a reception — Gov. H.'s letter in *New-York Colonial Manuscripts*, LVII.

6. Have the Church Wardens received the Tax, or any, and what part of it, & have they paid you anything & how much and what remains unpaid? If they have received any part of this Tax & have not paid it to you why do you not inform against or Prosecute them for the Penalties inflicted by this Act for this Default.

Jan^{ry} 26. $17\frac{1}{12}$. I am &^{c}

Reverend Mr. Poyer to Governor Hunter.

[New-York Papers; Aa., Art: 99.]

Jamaica 30th Jan^{ry} $17\frac{1}{12}$

May it please your Excellency

In obedience to your Excellency's Lrê of the 26th Inst^{t} I humbly say it is with the greatest concern I find myself taxed with a lukewarmness towards your Excellencys kind offers, for my releif from the hardships I have long lain under

The frequent applicôns I have formerly made to your Excellency proving ineffectual have obliged me patiently to sit down under the burthen of them for about fifteen months last past, without the least complaint but whether those applications are particular or too Gen^{ll} I humbly refer your Excellency to the Memorials & Petitions I have in relation to this matter presented you by which I hope it will appear with all submission to your Excellency, that I have exerted myself in this affair with a Zeal suitable to my function & nothing inconsistent with that, will I presume be expected from me.

The commencing of a Suit at Law on this Particular is of the greatest consequence, as affecting all the Parochial Churches within this Province, which are established upon the same foundation, and therefore I acquainted your Excellency when you was pleased to make that kind and generous offer of your Purse to support it, that I could not put a matter of so general concern in action without the advice and directions of my Diocetian & of the venerable Society for propagating the Gospel to whose judgment I have long since submitted the whole affair

I have considered of the several Questions which your Excell^{cy} is pleased to desire me to answer, & I humbly conceive they all relate to the duty of the several officers, Impowered by the Acts of Assembly to raise the Money for the minister & Poor and therefore do with all submission referr your Excellency to the Justices of Peace who can fully inform your Excellency of their proceedings, and also of the Church Wardens, Vestry men and other officers concerned therein & of the several defaults or neglects any persons have been guilty of in the Execution of these Acts, out of their Books, in which is entered I suppose all the Transactions relating to the whole affair, your Excellencys questions seem to enquire of. & I do assure your Excellency I have not rec^{d} one Farthing of my Salary due by virtue of those Acts since my Induction

This I hoped joyned with the Memorials & Petitions I formerly preferred, will sufficiently inform y^{r} Excellency of the State of my Case & answer your Excellencys end, Since that is already transmitted to the Lord Bishop of London by

May it please y^{r} Excell^{cy} &c

Statement respecting the Church at Jamaica.

[New-York Papers, Aa., Art. 99.]

Sept^{r}	1693	The Act of Assembly for settling the ministry was passed
Jan^{ry}	1702	The first Vestrymen & Church Wardens were chose at Jamaica
	1702	M^{r} Hubbard a Dissenting Minister was called by Church Wardens and vestry
Augst	1704	M^{r} Urquhart was inducted by Power from my Lord Cornbury
	1706	An Act of Assembly passed which confirmed that Induction
In the Spring	1710	M^{r} Mackenzie[1] a dissenting Minister was called by the Church Wardens & vestrymen who are all Dissenters
July 8	1710	M^{r} Poyer was Inducted by power from his Excellency Coll Hunter

I humbly conceive that no person that has the presentation to a Benefice can do it twice so that if an unqualified person be presented he that presented him can not afterwards prefer another, this was the case of M^{r} Hubbard, who being Dissenting Minister was not qualifyed to accept, for which reason my Lord Cornbury gave Induction to M^{r} Urquhart & the Assembly by the said last Act declared it to [be] valid

Thus M^{r} Macknish has been lately called by the vestry &c but by his being a Dissenter was not qualifyed to accept, by which reason M^{r} Poyer is inducted by Power from his Excellency and being so inducted is entituled to every think that belonged to his predecessor M^{r} Urquhart, and consequently to the Salary which is now about to be appropriated to a Dissenting Minister

The first Act for settling the Ministry lay dormant with us nine years, because we had no Church of England minister to reap the benefit of it It's lying dormant so long is a plain indication of the Dissenters[2] themselves in favor of the Church for if that Act was made for y^{e} Dissenters, which they do now against all reason assert, why did they never make use of it in all that time & thereby put an end to the continual & endless contentions they have had with their ministers, many of which are not yet paid by them

Judgment in the case of Reverend Mr. Poyer Vs. Churchwardens of Jamaica.

[New-York Papers, Aa., Art, 99.]

Queens County Ss.

At a Special Court held in Jamaica on the 27th day of Oct^{r} in the ninth year of the Reign of our Sovereign Lady Anne, Annoq: Dni 1710

PRESENT— John Coe Judge
Sam^{l} Bayly, Rich^{d} Oldfield } Justices

M^{r} Thomas Poyer p^{r} M^{r} Clows complains, that the Church Wardens do refuse to pay the one Quarters Salary

[1] Mr. Macknish. — ED. [2] of the *opinion of the* Dissenters, &c. *New-York Colonial Manuscripts*, LVII.

Court considered of said complaint and find for the Defendants with Costs of Suit

The Reasons of the Church Wardens against the complaints of M^r^ Thomas Poyer Quitam &c

1 Because we had no money

2 We had no order from the Justices according to an Act of the Assembly to pay any

3 Because we think M^r^ Thomas Poyer not qualifyed according to the Act of Assembly of this Province, as Minister or Incumbent of Jamaica, to demand the whole, or any part of the said Salary

True copy

Jose Smith Cler^k^

Thomas Poyer Clerk, Rector of the Parish of Jamaica in Queens county comes before John Coe Esq^re^ Justice of the Peace in the same county & complains against Samuel Coe & Dan^l^ Smith Church Wardens of the Parish of Jamaica aforesaid refusing to pay his the said Thomas Poyer's last Quarters Salary for officiating as Rector of the said Parish, and therefore prays as well on behalf of himself as the Poor of the said Parish, that the said Church Wardens be awarded to pay five pounds current money of New York to him the said Thomas Poyer and the poor of the said Parish of Jamaica

True Copy

Jose Smith Cler

Lords of Trade to Secretary St. John.

[New-York Entries, Book H., 489.]

To the R^t^ Hon^ble^ M^r^ Sêcr^ty^ S^t^ John

Sir.

On the 16^th^ Feb^ry^ $17\frac{10}{11}$ we laid before her Maj^ty^ the defficulties Col: Hunter Gov^r^ of N. York met with from the Assembly there, in procuring such a Revenue as His predecessors had, whereupon Her Maj^ty^ was pleased by Her order in Council of the 1^st^ March following to direct us forthwith to draw up a Bill to be laid before the Parliament of Great Britain for settling the usual Revenue there, for the support of the Gov^r^ & Govern^t^ which we accord^ly^ laid before Her Maj^ty^

We have been lately informed by Coll: Hunter and Coll: Quary surveyor General of the Customs on the Continent of America as also by a representation from the Council of that Province that notwithstanding the repeated and pressing instances of the Gov^r^ and Council, the Assembly continue still obstinate, and are so far from expressing their duty to Her Maj^ty^ in providing a suitable revenue for the support of that Govern^t^ that they have made several votes and resolutions derogatory to Her Maj^tys^ Royal prerogative one or more of which we take leave to instance in.

They pretend they do not sit as an Assembly and dispose of money by virtue of any Comiss^n^ letters patents or other grant from the Crown but from the free choice and Election of the

people in consequence whereof they will not admit of any amendments by the Council to any money Bills.

The Gov^{r} is impowered by his Comiss^{n} to establish such and so many Courts of Judicature, as he with the advice of the Council shall see necessary. He having by the advice aforesaid erected a Court of Equity, the Assembly whereupon resolved that the erecting a Court of Equity without consent in General Assembly is contrary to Law without president, and of dangerous consequence to the liberty and property of the subjects—

Upon which we are humbly of opinion that if the Assembly of New York is suffered to proceed after this manner it may prove a very dangerous consequence to that province, and of of very ill example to Her Maj^{tys} other Govern^{ts} in America, who are already but too much inclined to Assume pretended rights tending to an independency on the Crown, and therefore we humbly offer that Her Maj^{ty} be pleased to signify to the Gov^{r} of New York Her displeasure and disapprobation of such undutiful proceedings of the Assembly and that Her Maj$^{ty's}$ pleasure be likewise signified upon the abovementioned draught of a Bill for settling a Revenue at N. York (a copy whereof is here inclosed) for that we have reason to believe from their proceedings, that without some provision be made by Parliament here, no Revenue will be settled there, as we more fully laid before Her Maj^{ty} the 13th of Nov^{r} last. We are—Sir—your most obedient humble servants,

PH: MEADOWS, ROB^{t} MONCKTON, GEO: BAILLIE, ARTH MOORE, FRA GWYN.

Whitehall Ap^{r} 23: 1712.

Lords of Trade to the Lord High Treasurer.

[New-York Entries, H. 500.]

To the most Hon^{ble} the Lord High Treasurer of Great Brittain.

My Lord,

Pursuant to your Lordp^{s} desire, signifyed to us by M^{r} Lowndes, we have considered the Petition of Rob^{t} Lee Esq^{r} Executor in trust for the younger Children of the late Earl of Sterling, relating to a large tract of land in America comprehending part of New York and long Islnd conveyed by the said Earl to His Royal Highness the then Duke of York in or about the year 1663. and to the arrears of an annuity of £300 p^{r} annum due to the said Earl or his Executors, in compensation thereof, the whole with the interest amounting (as the Peti^{nr} sets forth) to the sum of £9600, and take leave to inform your Lordship.

That this affair has formerly been under the consideration of the Righ^{t} Hon^{ble} the Lords of the privy Council, then a Com^{tee} for Trade & plant^{ns}; that several reports have been made thereupon viz^{t} one in August 1689. another in May 1694. and one by this Board in March 170$\frac{2}{3}$, all agreeing in substance, that the late Earl of Sterling did about the year 1663. assign and release unto his R^{l} Highness the then Duke of York all his interest in the said lands in consideration of £3500 to be paid him, which not being done His said Royal Highness did by Indenture, bearing date in Nov^{r} 1764 grant unto the said Earl of Sterling a pension of £300 p^{r} annum during the life of the said Earl to be paid him out of the surplusage of the neat profits

of the Revenue arising out of New York all maner of charges Civil and Military first deducted and allowed. In which Indenture there is another clause, declaring it to be the true interest of all the parties, that no other estate real or personal whatsoever of his said Royal Highness, shall be lyable to the payment of the said annuity or pension, other, than the surplusage of the neat profits of the said Colony all charges as aforesaid being first deducted.

But in regard, we are not possessed of the Accounts of the Revenue of New York, we do not know how the same has been expended and are not therefore able to inform your Lôrdp. whether there has been any surplusage in the Revenue there, to compensate the petit^{nrs} for their pension and the Interest accruing thereon.

We are ettc:

WINCHILSEA, PH. MEADOWS, ROB^{t} MONCKTON,
15. May 1712. C. TURNER, G: BAILLIE, A. MOORE.

Earl of Dartmouth to the Lords of Trade.

[New-York Entries, H. 504, 5.]

To the Right Honb^{le} the Lords Comiss^{rs} For Trade and Plantations —

My Lords and Gentlemen —

Her Maj^{ty} has commanded me to send you the enclosed copy of a petition of several Merchants of New York that you may consider thereof and report your opinion what is advisable for Her Maj^{ty} to do therein — I am —

My Lords and Gentlemen
Your most humble servant.

Whitehall: May the 27th 1712. DARTMOUTH.

To the QUEEN'S MOST EXCELL^{t} MAJESTY.

The humble Petition of several Merchants and Traders inhabiting within the City of New York in your Majt$^{y's}$ Province of New York in America.

Most humbly sheweth.

That the Trade and navigation of this City was formerly very considerable, having great number of Vessels thereunto belonging whereby many of Your Majesty's subjects were kept in a constant imploy; but to their unexpressible grief, the same is now gradually reduced which we can't but attribute to those discouragements your Maj^{tys} subjects meet withal by Your Ships of War loading themselves from this port to the West Indies, with Beef Pork & flour, and bringing from thence Rum, sugar and the other produce of Your Maj^{tys} Islands and plantations depriving us by that means of the benefit and advantage to carry the same with our own vessels and which not only now is but hath been the constant practice of Your Maj$^{ty's}$ friggots for many years past whereby the Merchants of this City are discourag'd from laying out the moneys in building of shipping to the ruin of many families and the prejudice of all the Traders and inhabitants of this City and province in general.

Your Majᵗʸˢ Petitioners do therefore most humbly pray that your Majᵗʸ would be graciously pleased to direct that such of your Majᵗʸˢ ships as are appointed for convoys and to spend the winter in the West Indies may not be permitted to carry out any of the commodities above — mentioned as Merchandize. And whereas the privateers do every year in the Month of April appear in great numbers on our Coasts, doing considerable damage to our trade and navigation most of our vessels going out and returning home about that time. That the Commanders of Your Majᵗʸˢ ships may be directed to return from the West Indies in such time as to be ready to Cruize for our security the beginning or middle of that Month at furthest and Your Majᵗʸˢ Petitioners in duty bound shall ever pray &cᵃ

Walter Thong	Richᵈ Burke	Caleb Heathcote	Adrian Hooglant	John Van Horne
Tho: Davenport	Henry Cuyler	B. Rynders	Stephen De Lancey	John Reade
Morgⁿ Cornock	Bart: Feurt	Rap Van Dam	Lawᵉ Reade	Wᵐ Smith.
Garrit Van Horne	Tho Tarpy	Abʳ Vanhams[1]	And: Fresneau	

New York. Febry 20ᵗʰ 1711.

Lords of Trade to the Earl of Dartmouth.

[New-York Entries, J., 18.]

To the Right Honourable the Earl of Dartmouth.

My Lord,

In obedience to Her Majesty's commands signify'd to us by your Lordship the 27ᵗʰ of the last month, We have considered the inclosed Petition of several merchants of New York, and are thereupon humbly of opinion, that her Majesty's ships of war taking goods on freight to carry from one Plantations to another is a practice not only dishonourable, but also prejudicial to the owners of shiping in the said Plantations, and ought therefore to be strictly forbid for the future, and we further humbly offer that, Her Majesty's ships of war at New York that go in the winter to the West Indies may have directions to return so as to be at New York by the begining or middle of April at furthest for the security of the trade of that province from the French privateers that cruise upon that coast about that time, We are.

My Lord

Your Lordships most obedᵗ
& most humble servants

Winchilsea
Rob: Monckton
Cha: Turner
Geo: Baillie
Arth: Moore

Whitehall,
June the 5ᵗʰ 1712.

[1] Vanhorne. — Ed.

Lords of Trade to Governor Hunter.

[New-York Entries, J., 21]

To Rob[t] Hunter Esq[r] Gov[r] of New York.

Sir,

Since our letter of 1[st] February last, a duplicate whereof is here inclosed, we have rec'd yours of the 1[st] January & 1[st] March, relating to your Gov[mt] of New York, & one of 1[st] of January, relating to your Gov[t] of New Jersey.

We have considered what you write, as also what the Councill of New York have represented us, of the disputes that have happened between them and the assembly, in relation to the amending of mony bills: & are laying that whole matter before Her Majesty.

The Assembly's pretence of an Inherent Right to dispose of the mony of the free men of New York exclusive of the councill, is altogether groundless, they only sit as an assembly, and are a part of the Legislature (as is also the Councill) by virtue of a power in her Majesty's Comm[n] to you, without which they cou'd not be elected to serve in assembly, & consequently their assuming a Right no ways inherent in them, is a violation of the constitution of the Gov[t] of that Province and is derogatory to her Majesty's Royal prerogative, if therefore upon your acquainting them with what we now write upon this subject, & what we write you in our Letter of 13[th] Nov: last, they still persist, you may acquaint them that such measures will be taken here, as may be effectual to assert Her Majesty's undoubted prerogative in that province & to provide for the necessary support of that Government.

Your erecting a court of equity by advice and consent of the councill is pursuant to the powers granted you by Her Majesty under the great seal of Great Britain, and therefore the resolve of the Assembly of 24 Nov: 1711, upon that matter is very presumptuous & a diminutions of Her Majesty's Roy[l] prerogative, for that her Majesty has an undoubted Right of appointing such and so many Courts of judicature in the plantations, as she shall think necessary for the distribution of Justice.

The same may be said upon their second resolve, relating to the establishing of fees, as to the bill which you say his before the councill, for enacting the ordnance of 1693, into a law, we have no objection at present why the same may not be done.

The Assembly adjourning themselves from 24 Nov: 1711, to the first thursday in April following, after your having signify'd your intention of doing it, & their naming Treasurers to collect the public mony, when her Majesty has appointed an officer for that purpose, are other instances of their disrespect & undutyfulness to Her Majesty, all which will be taken notice of & proper remedies apply'd, if your next letters do not inform us of their having chang'd their behaviour.

We have under consideration what you & Coll: Quary write, relating to the Ship S[t] John Baptist.

M[r] Dupré who has acquainted us he goes by this conveyance, will inform you of what has past here, in relation to the Palatins: and that you may know more perticularly what we have done in that Matter, we send you here inclosed copies of our Reports thereupon.

Upon receipt of your lrê wherein you transmitted to us an Acc[t] of the method us'd by M[r] Sacket in preparing the trees for tar, we write to M[r] Whitworth Her Majesty's minister at the Court of Muscovy, to desire him to get us the best acc[t] he cou'd of the methods us'd in that

Country, who having consulted a person that has been sev[l] years imploy'd in that busness sent us the inclos'd acc[t] with some remarks thereon by other persons there. This method being somthing different from that of M[r] Sacket, we thought fit to communicate the same to you.

We wish you had more fully explain'd what you write in relation to M[r] Bridger, and particularly ab[t] the spoil committed in the Woods.

We have before us the address from the merchants relating to the furnishing Her Majesty with naval stores, as also Colonel Heathcots proposal of building a Gally, and guarding the coast of North America from the insults of the French Privateers, but as those matters belong more properly to the navy Board and require to be well considered we are not able at present to give you any particular observat[ns] thereupon.

We must deferr to another oppertunity, to answer your letter relating to your Government of New Jersey, in the meantime we can only assure you, we shall do all that in us lies to make that Government easy to you, and so we bid you heartily farewell.

Your very loving friends.
& humble servants
WINCHELSEA
Ro[t] MONCKTON
CH: TURNER
GEO: BAILLIE

Whitehall
June the 12. 1712.

Rev. Mr. Henderson's State of the Church of England in New-York and New Jersey.

[New-York Papers, Aa., 101.]

A short State of the Church of England planted in the Provinces of New York and New Jersey in America

Notwithstanding there are two Acts of Assembly for establishing a Ministry in the Province of New York and several particulars in those two Acts y[t] make it plain, y[t] it is the Church of England ministry they establish, and that ministers of the Church of England have always possessed the six churches in that Province and all the Benefitts belonging to them, provided by the afores[d] Laws, yet the Dissenters have taken forcible possession of the Parsonage house Glebe Lands and Salary of Jamaica on Long Island, which does belong to one of the aforesaid six Churches and do keep the same from the present Incumbent, *and y[t] by the countenance of Coll Hunter the Governour* of New York and New Jersey, who turned out of the commission of the peace & other places of the Governm[t] the Gentlemen of the Church of England and promoted Dissenters in their Room who have refused to do justice to the Church in that particular

In New Jersey there are noe laws made in favor of the Church, and but four Ministers of the Church of England in that Province The Quakers and other Dissenters are most numerous and do make up the greatest part of the Assembly, which is the reason why no Law has been passed, in the Church's favour, but they have not been able to do any harm to it, in regard of the Plurality y[t] the Queens Council are good churchman, and have always opposed any attempts made to he[r] Prejudice by y[e] Quakers or other Dissenters, who have at their head one Coll:

Lewis Morris a profess'd Church man, but a man of noe manner of principles or credit, a man who calls the service of the Church of England Pageantry, who has joyned in endeavours to settle a conventicle in the City of New York and whose practice it is to intercept letters, and let such as pleases him pass, and those y^{t} doe not he destroys as can be fully proved.

This Coll Lewis Morris with the present Governor Coll Hunter have written to the Lords commission^{rs} of trade, to turn out of the Councill six church of England men and to put in six others in their room, some of them Dissenters and those that are of the church are such as will run into all the measures of the Assembly and therefore of the worst consequence to the Church in that Province for by the countenance that the Dissenters now have in that Province, one Woolsey a new England Preacher took the Church of Hopewell, tho' it was built by the subscriptions of church of Engl^{d} men and for the service of the church of England, what usage then must the church expect if both the Queens councill and the Assembly I mean y^{e} Plurality of both are inclined to serve the Dissenters Interest which will certainly be the issue of turning out those six Gentleman and advancing the other six in their Room

A Scheme of the Change New Jersey

East Division	out		
A very sensible honest Gentlemn who is a zealous true member of the Church of England.	William Pinhorne—in his room—John Anderson		A scotch Presbyterian who command a ship to Darien in the Scottish expedition thither and on his return in at Amboy N Jersey & lett his ship rot & plundrd her & with ye plunder bought Land
A person who is a declared Church of England man whom I have seen severall times at Church in ye city of New York and once at Burlington, & who has given 200 Acres of Land to ye Church at Hopewell	Peter Sonmans — in his room — Willm Morris		A poor ignorant person who once kept a Ferry at New York
Was as I'm creditably informd a very worthy zealous Church of England man but dead and is succeeded in Estate by his son, a very proper person to be of the Council	Richard Townley — in his room — Elisha Parker		An Independent
West Division			
A very worthy Gentleman and a zealous church man who has given 200 Acres of Land to the church of Hopewell.	Daniel Cox — in his room — John Harrison		Who as I am creditably informed, was brought up wth one Kid a Pirate
A good Churchman	Hugh Huddy — in his room — Thomas Byerly		Ye Queens Collector at New York who has been often suspended for misdemeanors & is now under suspension
Once a Quaker but now a Church man and very zealous to serve the Church	William Hall — in his room — Thomas Reading		A man of no principles & who joyns with the Quakers in all their measures

This is the manner they would have the Council of New Jersey modelled but it is strange to observe what sort of Persons some are that they would have continued

Remains	
Robert Quary	The Queens Surveyor Genll whom they were afraid to write against
George Deacon	A Quaker
Thomas Gordon	A poor ignorant insignificant fellow whom they have made Treasurer of ye Province tho' he has no Estate but a Tool to serve ym in all affairs

This is a true state of the Matter to which I suscribe this 2nd day of June 1712

Jacob Henderson Missionary
Dover Hundred in Pensilvania

Remarks on the Reverend Mr. Henderson's State of the Church of England, &c.

[New-York Papers, Aa., 101.]

REMARKS upon a Paper Intituled a State of the Church of England Planted in the Province of New York & New Jersey in America, Dated June 2nd 1712 & signed Jacob Henderson, Missionary of Dover Hundred in Pensylvania

It is a very ungrateful task to answer pretended matters of Fact advanc'd by Clergyman under the plausible pretence of promoting the Interest of the Church of England and screened with the respect that that character naturally inspires into an honest man. But as the Purport of that Repn before mentioned is to wound the Reputation of a worthy Gentleman who can be taxed with nothing else than that he uses too much Lenity with his declared enemies there is an absolute necessity to expose the malicious falsehood thereof. This is therefore to give as true and sincere information of that matter as is possible at so great a distance, referring the further illustration thereof to another time, when it may be done more fully & better attested from those Provinces

To begin with what ye Representer says, about the church of England & the Ministry's establishmte in the Province of New York by Acts of Assembly, the best and most solid answer that can be given is to refer to the Acts themselves whch are conceived in this manner "That "the salary shall be appropriated to any sufficient Protestant minister & that it shall be in the "Power of the People to elect a vestry and Churchwardens which Vestry shall have the sole "right of presenting a minister to be inducted by the Governor

If the Governor did in Mr Poyers case shew any partiality it was altogether in his favor, for according to the Tenour of the Act, he could not answer inducting of him into the church at Jamaica on Long Island since the vestry had regularly presented to his excellency a presbiterian minister, Mr Macknish whom the Govr refused, and did grant Induction to Mr Poyer upon his first application to him, tho he was not presented as the Law directs

As to the Alterations the Governor did make in the Commission of the Peace at Jamaica, the Representor not being of the Councill, must need be ignorant of the motives his Excellency had and the necessities there were for doing it; It is therefore hoped that no credit will be given to the malicious Insinuation, he gives of his Excellency's partiality for the Dissenters to the prejudce of those of the church of England untill there be more authentic Testimonies thereof, than the Representers bare affirmation, who during that little time he was in America lived for the most part in Pensilvania, where he had very little opportunity of informing himself of those things; neither can it be thought by any reasonable people, that is a part of his ministerial function to concern himself with the Actions of any Govr who having his Instructions from the Queen is answerable to Her Majesty only: but for a further Vindication of his Excellencys conduct therein, the Revd Mr Sinclaire who had more & better opportunities of knowing Brigr Hunter (having made the voyage to New York in the same ship with his Excellency who hath seen and heard all that passed with regard to Mr Poyer & whose sincerity might be at least, of as great a weight as the Represrs as also Coll: Morris Letter to the Society for propagating the Gospel in foreign parts and even the address of the Clergy in Convocation, to his Excellency, being consulted, they will all agree in clearing him of that imputation of partiality for the Dissenters to the prejudice of those of the Church of England;

and if any scruple should still remain, as to the sincerity or uprightness of the Governor's heart, they are surmises from which even S^{t} Paul could not have guarded himself, & therefore the judgement thereof must be left to the Searcher of hearts

The Representer complains that there are no Laws in favour of the Church of England in the Jerseys w^{ch} is granted, But doth he know any Law in favour of any other Religion He grants that the Quakers & other Dissenters are most numerous there. And he might perhaps have added, that those who are of the Church of England are so dispersed, that if gathered together. Two instead of four churches might serve them and without the gift of Prophcy one may venture to say that his conduct will not contribute very much to encrease their number nor to bring over many of the Dissenters. Now as there is no established Church in those Provinces there seems very little occassion of a Law in favour of the Church of England, and the effect the Law that was made in New York in favour of the church of England, hath hitherto had will not very much recommend the making any in the Jerseys, as may be seen from Coll Morriss last letter before mentioned who may be safely said to be as good a judge thereof as the Representer. *The Council of the Jerseys*, he says, *hath always prevented the Assembly from hurting the Church* and presently falls foul of the President of y^{t} Councill Col Morris whom however he owns is *a professed Churchman but a man of no manner of principles or credit, and who calls the service of the Church of England Pageantry who hath joyned in endeavours to settle a conventicle in the City of New York.* The Representer writ in so much hast that he did not observe that a *professed Church man*, & a man of no principles &^{c} looks very much like a contradiction lett him therefore explain his meaning more clearly or otherwise he will be thought to do the church but little honor to call a professed Churchman a man of no principles &c.

As to the accusation of that Gentleman *of joyning in endeavours to settle a conventicle at New York*, it is too general to be answered, as being a hard matter to know what he means by it for if he persists in his former opinion, to call the Queens Chapel in the Fort, repaired by the care of Brigadier Hunter, by that hard name, & those who preach and resort thither to serve God, Schismatics a litle Helebore might do him more good than a reply

He is so full of Spleen against Coll: Morris, that he can not dismiss him without an other blow, viz^{t} *his practice*, as he says, *of intercepting Letters* &c, wherein he is perhaps as ill grounded as in the other accusations, for he confutes even himself by his affirmation, *that it can be fully proved*, because if either he or his friends had received hurt thereby, one may without breach of Charity, say that they do not want good will to make him suffer for it. As to that Gentleman's conduct; if a mans outward behaviour at home or abroad and in all the duties of his life is a true means of judging of a man all who know any thing of Coll Morris will say that he is unexceptionable

The Principal part of the last paragraph relating to the characters of men in the Council of the Jerseys proposed to be removed & of others to be put in their room shall be answered hereafter. The Story about M^{r} Woolsey preaching in the Church at Hopewell may be best understood from M^{r} Sinclairs mouth who knows the whole matter. As to the dismal consequences the Representer apprehends from such removal the Queen will doubtless think, the Lords of Trade, the Gov^{r} & such others of the Councill who are not excepted against better judges of it than the Representer, who officiously, not to say pragmatically, meddles in affairs he knows little of, & that are foreign to his mission & had he but discharged that part of his duty whilst at Burlington, which is incumbent upon him, as he ought, the people had not refused to hear him as they did

Remarks upon the persons of the Councill of the Jersey which the Representer

Mr. Pinhorne — Proposed to be removed bears a fair character as to his domestick manner of Living, only he is a very pragmatical man, not to say factious, and there may be some reasons assigned why he agreed so well with a former Governor

Mr. Sonmans — Wants the first Character, but is eminent for the latter, his immoralities are such that the Revd Mr Holyday, Minister of his Parish doth refuse to give him the Communion, & a small sum which he owed to a poor woman here & which the Governour did oblige him to pay, is not the least reason for his ill will to his Excellency

Richd Townly — Is dead and ye Representer recommends his son to succeed him, perhaps because he doth not degenerate from the abilities wch recommended his father to their favor

Daniel Cox & Hugh Huddy — No matter which for they are inseparable companions, who sett very bad examples to the Inhabitants of Burlington as Mr Sinclare can testify.

Wm Hall — Once a Quaker now of no Religion referred to the said Mr Sinclare.

As to the other six recommended to the Governor to be put in their room, his Excellency has doubtless very weighty reasons for such Recommendation, and it is not to be supposed that he is so blind with prejudice as to remove Saints to put knaves in their place, as the representr endeavours to insinuate

To pass by the unmanerly expressions the Representer uses when he mentions the New modelling the Council of the Jersey it is strange to observe (to use his own words) whether Robt Quary the Queens Surveyr Genll doth not stand in his way also

George Deacon & Thomas Gardiner — Being both Quakers and doubtless a great eyesore to him

Tho. Gordon — He calls a poor ignorant insignificant fellow whom they (meaning the Governor & Councill) perhaps with the concurrence of the Assembly (as becoming a manner of speaking of his betters as before taken notice of) have made Treasorer tho he hath no estate but a Tool to serve them in all affairs, what Tool is Mr Gordon Master of to serve them in all affairs is hard to determine unless it be a strong chest to put ye money in out of the way of Theives

Now after all this, it's ten to one but upon enquiry this Mr Gordon will be found neither so poor, ignorant & insignificant a fellow, as that he hath a competent estate, & as much honesty as is requisite in a Treasurer of that small Colony As for *his Tool* to serve them (meaning as before) in all their affairs, it may be a *Tool to do good* as the Representer will upon the like enquiry be found, the Tool of a Faction there, headed and encouraged from hence, by whose direction he hath wrote this representation, to confound as much as in them lye, the affairs & perplex the Governor of those Provinces here as they have already done there, by the endeavors of that missionary, whom they prompt underhand to do their drudgery & who generally sacrifices that little reputation which by the obscurity of his person had been preserved, had he not signalized his Talents in this manner

This will upon enquiry be found the true state of that matter to which several here who might if thereto required, subscribe

After all the Governors of the Queens Plantacons must have a fine time of it, if every private man is allow'd to meddle in the affairs of their Governments, & upon this foot no man of honour would accept of such tiresome Places.

17 June 1712

Governor Hunter to the Lords of Trade.

[New-York Entries, J. 30.]

To the Right Hon^ble^ the Lords Commissio^rs^ for Trade & Plantat^ns^

My Lords

A. has recd ye Board of the 26th October & 13th November 1711 & 1st Feb: 1711-12.

Since the receipt of your Lordships letters of the 26^th^ October 1711 of the 13^th^ November 1711, and of the first of Feb: $17\frac{11}{12}$. This present packett boat is y^e^ first oppertunity which has offered, by w^ch^ I could returne answers to the matters therein contained.

B. An Act past for issuing money out of the Treasrs hands for support of Government and altho' ye same is not sufficient for yt end he was obliged to accept thereof.

There has been no revenue for support of Government settled in this Province since the expiration of the last, the 18th day of May 1709, But your Lordships will observe by the Act marked A. and past this present sessions; that there is a sum issued for that purpose out of the money in their treasurers hands w^ch^ thô barely y^e^ 1 Salary due to me without any allowance for firing and candle for the Garrisons, for repairs of the House and barracks, for my frequent journeys to Albany, and negotiations w^th^ the Indians and presents to them, and expresses on all occasions, I was under a necessity to accept, the Acts as your Lordships may observe, being conceived in such terms as does not cutt off my claim to the remainder due.

C. He transmitts an Acct of Courts and offices.

D. The account of fees already sent.

The account of Courts and offices is contain'd a part in the paper marked B. Your Lordships have long since received the table of fees establish'd, by the Governour and Councill as it is directed by Her Majesty's special instructions.

E. He transmitts ye Acct of the number of Inhabitants &c.

I have issued out orders to the several Counties and Cities for an account, of the numb^rs^ of their inhabitants and slaves, but have never been able to obtain it compleat, the people being deterr'd by a simple superstition and observation, that the sickness follow'd upon the last numbering of the people, however by the next oppertunity, I hope to send it you compleat, having fallen upon new methods for procuring it, In the mean time the scheme following of the old lists taken in 1703, compared with the New, which I have been able to procure of the respective Countys hereafter mentioned, will afford your Lordships a general view of the increase of the numbers.

But promises one more compleat.

1703		1712.	Increased.
New York	4436	5840	1404
Kings County	1915	1925	10
Richm^d^ County	503	1279	776
Orange County	268	439	171
West Chester	1946	2803	857
	9068	12286	3218

Queen's County	4392	Of these Countys I have as yet no lists, nor from the Jersey's but hope to be able to send it your Lords^ps^ by the next from Connecticut, I have so imperfect an account, that I am ashamed to send it but will endeavour to get a more perfect one.
Suffolk	3346	
Albany Citty & County	2273	
Ulster & Dutches	1669	
	11680	

In the five Countys whereof I have procured lists, the numbers were composed as followeth.

In the year 1703		1712	Increased
Christians	7767	10511	2744
Slaves	1301	1775	474
			3218

By this imperfect computation, your Lordships will be able to make some guess of the general increase of the people, and leave it to your Lordships consideration what the consequences are like to be, when upon such an increase not only the support of Government but the inclination of the people to support it at all decrease.

F. He can't send an Account of births and burials.

The reasons.

As to births and burials has never been any Register kept that I can hear of neither is there any possibility of doing it until such time as the Countys are subdivided into Parishes, great numbers remaining unchristen'd for want of Ministers.

G. He sends an Account of Arms amunition &c.

The paper mark't C. gives your Lordships, an account of the arms & amûnition of this Province.

H. Account of ye wants of the Province.

As to the wants and defects of this Province, besides that of a Revenue w^ch^ your Lordship have been so much troubled with; the forts and Barracks want through repaires one half of the Governours House, ready to fall down, We want ten flaggs, the forts being now five in number.

I must referr your Lordships to the paper mark'd C. for what other stores are wanted.

I. He complains of the obstinate proceedings of the Assembly.

I should be very glad the assembly would give me an occasion of retracting what I have formerly wrote your Lordships concerning their obstinacy, but their proceedings since that, give me but too much cause to continue my complaints against them, for though they have past the bill I have before mentioned in such a manner, as both the councill and myself could agree to it, yet they have since sent us up another, for paying the officers of the Government in their former appropriating manner, which the Councill could not agree to, for the reasons they sent to your Lo^ps^, so that nothing more can be expected from them, I have not only expended my own money for all the contingencies of the Government ever since I have been here, but the daily complaints and cryes of the officers, who have not received a shilling for their support since my coming, renders my condition very miserable, and would make it in supportable but for the releif I hope for from home. If I could be prevailed on to put my private interest in competition with Her Majesty's, I should have but little difficulty in getting my own sallary; the assembly both in and out of the House, professing the greatest willingness, to make me easy (as their phraise is) but unless I would give up Her Majesties prerogative of appoint^g^ her own officers, and rewarding their services, divert the Channell through which the receipt of her money has ever run, and by these means reserve nothing but the name of a Government. It is in vain to expect from these men, any manner of support, which layes me under a necessity of entreating your Lordships to think of us, with that compassion which our present wants require, and to give me your speedy directions how to behave my self under these distresses.

From whom nothing can be expected —

He has expended his own money And the Officers have not received a shilling since his arrival —

Which he hopes will be redress'd —

The Assembly offer to make him easy.

But he must part with her Majesty's prerogative to obtain it—

He desires directions how to behave himself in this matter.

K. His remarks on the Act about lintseed oyle.

The act before mentioned and one other to encourage the making of lintseed oyle, are the only ones that have come my length this sessions, the last wants noe other remarks then that its past to encourage the projection of that manufacture in this place.

L. Account of a conspiracy of slaves to destroy the Inhabitants their tryalls & condemnatn. for it. He desires a reprieve for some of them.

I must now give your Lordships an account of a bloody conspiracy of some of the slaves of this place, to destroy as many of the Inhabitants as they could, It was put in execution in this manner, when they had resolved to revenge themselves, for some hard usage, they apprehended to have received from their masters (for I can find no other cause) they agreed to meet in the orchard of M^{r} Crook the middle of the Town, some provided with fire arms, some with swords and others with knives and hatchets, this was the sixth day of April, the time of meeting was about twelve or one o'clock in the night, when about three and twenty of them were got togeather, one coffee and negroe slave to one Vantilburgh set fire to an out house of his Masters, and then repairing to the place where the rest were they all sallyed out togeather wth their arm's and marched to the fire, by this time the noise of fire spreeding through the town, the people began to flock to it upon the approach of severall the slaves fired and killed them, the noise of the guns gave the allarm, and some escaping their shot soon published the cause of the fire, which was the reason, that not above nine Christians were killed, and about five or six wounded, upon the first notice which was very soon after the mischeif was begun, I order'd a detachment from the fort under a proper officer to march against them, but the slaves made their retreat into the woods, by the favour of the night, having ordered centries the next day in the most proper places on the Island to prev^{t} their escape, I caused the day following the Militia of this town and of the county of west Chester to drive the Island, and by this means and strict searches in the town, we found all that put the design in execution, six of these having first laid violent hands upon themselves, the rest were forthwith brought to their tryal before y^{e} Justices of this place who are authorized by Act of Assembly, to hold a Court in such cases, In that Court were twenty seven condemned whereof twenty one were executed, one being a woman with child, her execution by that meanes suspended, some were burnt others hanged, one broke on the wheele, and one hung a live in chains in the town, so that there has been the most exemplary punishment inflicted that could be possibly thought of, and which only this act of assembly could Justify, among these guilty persons severall others were apprehended, and again acquitted by the Court, for want of sufficient evidence, among those was one Mars a negroe man slave to one M^{r} Regnier, who was to his tryall and acquitted by the Jury, the Sheriffe the next day moving the Court for the discharge of such as were or should be soe acquitted, by reason hee apprehended they would attempt to make their escape but M^{r} Bickley who y^{n} executed the office of the Atter: Generall, for M^{r} Rayner opposed his motion, telling the Court that at that time, none but Mars being acquitted, the motion could be only intended in his favour, against whom he should have some thing further to object, and therefore prayed he might not be discharg'd. so the sheriff did not obtain his motion, Mars was then indicted a second time and again acquitted, but not discharg'd, and being a third time presented was transferr'd (the Court of Justices not designing to sit again) to the supream Court, and there tryed and convicted on y^{e} same evidence, on his two former tryals, this prosecution was carryed on to gratify some private pique of M^{r} Bickleys against M^{r} Regnier, a gentleman of his own profession, which appearing so partial, and the evidence being represented to me as very defective, and being wholly acquitted of ever having known any thing of the Conspiracy by

the Negroe witnesses, who were made use of in the tryals of all the criminals before the Justices, and without whose testimonies very few could have been punished, I thought fit to reprieve him till Her Majesties pleasure be known therein. if this[1] supream court were likewise tryed, one Husea belonging to M[rs] Wenham, and one John belonging M[r] Vantilbourgh and convicted, these two are prisoners taken in a Spanish prize this war and brought into this Port by a Privateer, about six or seven years agoe and by reason of their colour which is swarthy, they were said to be slaves and as such were sold, among many others of the same colour and country, these two I have likewise reprieved till Her Majesties pleasure be signified. soon after my arrival in this government I received petitions from several of these Spanish Indians as they are called here, representing to me that they were free men subjects to the King of Spain, but sold here as slaves, I secretly pittyed their condition but haveing no other evidence of w[t] they asserted then their own words, I had it not in my power to releive them, I am informed that in the West Indies where their laws against their slaves are most severe, that in case of a conspiracy in which many are engaged a few only are executed for an example, In this case 21 are executed, and six having done that Justice on themselves more have suffered than we can find were active in this bloody affair which are reasons for my repreiving these, and if your Lordships think them of sufficient weight, I beg you will procure Her Majesty's pleasure to be signifyed to me for their pardon, for they lye now in prison at their masters charge, I have likewise repreived one Tom a Negroe belonging to M[r] Van Dam and Coffee a Negroe belonging to M[r] Walton these two I have repreived at the instance of the Justices of the Court, who where of oppinion that the evidence against them, was not sufficient to convict them.

M. The work of the Palatines goes well on and fully answers expectations of which he designes to give a further account.

As to the Palatines I doe assure your Lordships that their work comes fully up to our expectation, the trees they are prepar[g] and which will receive the last barking next fall promisse extreamly well, and M[r] Sackett tells me he does not in the least doubt but that the experiment he is making of some trees to fell at a years preparation will answer very well and as soon as this barking (which they are now about) is over hee will try it, of which I will inform your Lordsps, by the first oppertunity after it, as to that small quanty of tar which I formerly mentioned to your Lordships, I must beg leave again to observe to you, that it was made from the Knotts which the children gather'd together whilst their Fathers were working on the trees, this tar may have y[e] burning quality, but is as good for pitch as the other.

The tar mentioned in a former letter was made of Knotts & is good for pitch as any other.

N. answer to yt part of the Boards letter about payment for cask for the tarr.

N. your Lordships want to be informed out of what fund I provide the cask for the tar, formerly told your Lordships, that out of the sixpences and four pences a day for these peoples subsistance, I hoped to pay all the contingent charges, except such as are mentioned in a list sent by M[r] Du Pré, and this of the cask is one of those charges I shall pay out of the subsistance.

O. The Palatines proceed in their work.

I have not had any complaints of late of the palatines they work chearfully, and seem resolved to goe through what they are employed about, being greatly incouraged by the proposall of receiving one half of the proffits of y[e] tarr to their own use, whilst the other half goes towards the payment of the charge her Majesty is put to about them I am so much indisposed now to goe to them, but as soon as I am able I de[s]ign to goe up and visit their works and M[r] Sackett being with them he will take care that noe part of this Barking season be mispent.

He will visit them when able.

Mr. Sackett will be carefull the barking Season is not misimployed.

[1] *in* this — Ed.

P. He reminds the Board of Mr. Bridgers misbehaviour touching the palatines and to his negligence in yt service.

I must again intreat your Lordshᵖˢ to reflect on Mʳ Bridgiers behavʳ, his disobedience of Her Majestyes possitive commands, his asserting[1] this service at a time when he knew not that I could find any who understood this work to direct the people in the method of doing it, and superintend them, whilst they were about it, by which he has as much as in him lay betrayed the service, and subjected Her Majesty to the loss of so much money as she had expended on them, your Lordshᵖˢ will pardon me I hope for reminding you of this, but I cannot think of this conduct of his, without being of oppinion that he Justly deserves Her Majesty's displeasure, and your Lordships discountenance.

Q. As to ye Jerseys he says tis needless to meet the Assembly their till the Councill act otherwise he is impatient for remedy.

The affaires of the Jerseys at presᵗ don't require giving your Lorships the trouble of a seperate letter, It being absolutely needless to meet the assembly so long as the councill is so constituted, for they have avowedly opposed to the Government, in most things and by their influence obstructed the payment of a great part of the taxes, so that I wait with great impatience, for the remedy your Lordships have made me hope for; In the mean time you will receive an account of the courts and officers there, I must beg your Lordships patience till the next oppertunity, for the numbers of yᵗ people and other matters relating to that Province.

Account of courts & officers will be sent with the number of Inhabitants &c the next oppertunity.

R. Method of his providing Cask.

My present indisposition has been the occasion of the confusion of this letter, which I hope your Lordships will pardon, and I beg leave further to inform your Lordships, that the method I have taken to provide cask is this, there are ten Palatine coopers whom I have appointed masters for that work, each of them has a number to attend him for cutting of staves and hoop sticks, I agree with the masters for half a crown a barrell, one half to be paid them in money, the other half to be stated to their account as part paymᵗ of the debt they owe Her Majesty by this means I hope to be able to find Cask at a reasonable rate.

Price of it.

S. Dayly labour half a crown a day.

If in this Country where dayly labʳ is never computed at less than half a crown a day, many private persons have found their account by making bad tarr of the Knotts, what may we not expect from the labour of those people, which amounts but to the half of that dayly expence, making an allowance of two thirds for children and such as can't work, and making of good marcatable tarr, and imploy'd in a maner yᵗ each man's labʳ must produce a great deale more than by yᵉ methods formerly known and practis'd here.

Palatines work for half as much.

Which must produce more tarr than by method formerly practised.

T. The consequence of the war dreaded between the Tuscarara Indins & north Carolina.

The war betwixt the people of North Carolina and the tuscarara Indians is like to embroil usual,[2] The five Nations by the instigation of the French, threaten to joyn with them though very lately they sent me by my own messengers to them their offers thene to interpose amicably in that matter, I have sent some men of interest with them to disswade from this fatall design, with presents and promisses having no other way left, our assembly having fetter'd me to, that I can talk to them in noe other language; they are but a handful and puffed up with the court has been made to them, in the mean time nothing shall be wanting on my part to pʳvent this mischeif or bring them to reason and their duty, I am with all imaginable honʳ

He has & will do all he can to prvent it.

My Lords

Your Lordships most

humble & most obedᵗ Servᵗ

Rob: Hunter

New York
June 23ᵈ 1712.

[1] deserting! — Ed. [2] us all.

Governor Hunter to the Lords of Trade.

[New-York Entries, J., 67.]

To the Right Hon^ble^ the Lords Com^rs^ for Trade and Plantations.

My Lords,

A. He transmits 5 Acts which pass'd the Council & Assembly with his remarks thereon.

What I have to add to the duplicate of mine by the Packet boat which goes now by the Virginia fleet, is only to acquaint your Lordships that all the Acts which pass'd the Assembly and Council besides these, which are therein mentioned, are as follows.

An act for paying the British Officers, this is only the continuing the 18^d^ per day to these Officers during the winter, her Majesty having by her orders allow'd them Ensigns pay.

An Act for paying the arrears due to the forces late raised in the County of Suffolk for the expedit^n^ against Canada in the year 1709; this is to pay the forces which served for that County longer than the time provided for by the Assembly before they marched on that expedition, which is a piece of Justice which no other County besides that has done.

An Act for paying 1500 ounces of plate for securing the Frontiers of Albany, which Act explains itself.

An Act reviving an Act against selling of Rum, to the Indians, and for better guarding the City of Albany. your Lordships having already the Acts which this revives it wants no explanat^n^.

An Act prohibiting all but John Parmeter to make lamp-black for five years, this is to encourage the first who set up that Manufacture.

B. The Assembly objecting against several Acts amended by the Councill, he prorogued them.

These are all which pass'd, but several other acts being sent up, which had been formerly amended by the Council, but the amendments rejected by the assembly for the reasons your Lordships have been so often troubled with, and the same objections still remaining, I thought fit to prorogue them, these bills were for an agency that for assigning of sherifs, that for paying the Officers of the Government, and that for laying a further duty on the tonnage of vessels and slaves, copies of all which your Lordships have already had, for they differ in nothing from those formerly sent you, besides those they sent up another for the better and more easy carriage of goods by land and Water, Judging this not to be consistent with some of the laws of trade, I gave notice of it to the officers of Customs, who presented a petition against it, but it was dropt by the prorogation, I am with the utmost deference and honour

The titles mentioned and copies of them he transmitted by his last.

C. A bill for the more easy carriage of goods by land or water, dropt, and why.

My Lords

Your Lordships

most obedient & most

humble Servant

Rob^t^ Hunter

New York

July 11^th^ 1712.

Representation of the Society for the Propagation of the Gospel to the Queen.

[New-York Entries, J., 52.]

To the Queens most excell^t Majesty

The representation of the society for the propagation of the Gospell in Forreign Parts.

Humbly sheweth

That your Majesty out of your pious concern that all your subjects in all parts of your dominions, should be instructed in the principals of our most holy Religion, hath been pleased to give instructions to the Governors of your plantations in America and particularly to the Governor of New York & Jersey that they should take speciall care, that God almighty should be devoutly and duly served throughout their Governm^ts that the book of Common Prayer as by law establis'd, should be read each Sunday and Holy day, and the Sacrements administred according to the rites of y^e Church of England and that your Govern^ts should not present any Minister to an Ecclesiasticall Benefice without a certificate from the Right Reverend father in God, the Bishop of London of his being conformable to the Doctrine & discipline of the Church of England.

That Robert Hunter Esq^r the present Governor of the Province of New York and Jersey, hath [in] obedience to your Majesties said instructions, ordered one M^r Thomas Poyer a person duly qualifyed according to those instructions, to be inducted into the Rectory of the Parish of Jamaica in Long Isl^d, within the said Province, vacant by the death of M^r Urquhart late Rector of the said Parish who had for some years quietly enjoyed the proffits of the said Rectory.

That the Clergy of that Province have represented to us, that not withstanding such induction of the said M^r Poyer, by the authority of your Gov^r agreably to your Majesties instructions, yet by the violence of some secretary[1] notoriously disaffected to the church, the said M^r Poyer hath been wrongfully and forcibly kept out of the Parsonage House & Glebe, and hath not received any of the proffits thereunto annex'd, to which he is by law duly entituled.

That the said Clergy have farther represented that M^r Poyer is advised to seek his remedy by course of law, within the Courts of that County, but at the same time do inform us, that they have just reason to apprehen, that if [the] cause of the Church should be tryed and judg'd by persons of known disaffection to the church, they might not find that justice of which they should be secure from any impartial Judges, and that if Judgement be given against the plaintiff, It might in its consequences affect all the other churches of y^t Provinces, as also that from such Judgement however partial, there would lye on appeal,[2] either to the Governor and Councill in that Province, or to your Majesty and your Privy councill here, because in the instructions given to your Governor in reference to appeals, it is provided, that in all appeals to the Governor and Councill there, the sum appealed for, do exceed one hundred pounds sterling, and in all appeals to your Maj^ty and Privy Councill, here the sum appeal'd for, do exceed three hundred pounds sterl:

We are humbly of opinion, that it was not your Majesty's intention, that your subjects should be excluded from the benefitt of appeals, in such cases, where although the Matter in demand, doth not exceed the value of one hundred pounds, yet y^e loss sustained by the party,

[1] some *sectaries* — *New-York Documentary History*, 8vo., III., 266.

[2] *no* appeal — *Ibid.*

doth in the consequence of it, amout to a much greater value, and much less to such cases where a judgement, against one of your clergy, if there should lye any appeale[1] from it, might be to the utter ruine of the church establis'd in those parts.

We do therefore with all humility submit it to your Majesty's Consideration.

Whether your Majesty out of your tender regard to the rights of the church, which have been always safe under your Royal protection, and out of your pious concern to promote and encourage the propagat[n] of the Gospell, of which your Majesty hath already given many and ample proofs to this society, will not be gratiously pleased to explain the instructions given to your Governors[2] about appeals, in such a manner, as that in causes relating immediately to the church, an appeal may lye to your Governor and Council there, and to your Majesty and Privy Council here, without any restriction or limitation of the value or sûm appealed for.

26 August 1712. EDWARD SOUTHWELL.

Lords of Trade to the Earl of Dartmouth.

[New-York Entries, J., 56.]

To the Right Hon[ble] y[e] Earl of Dartmouth.

My Lord,

Letter to the Earl of Dartmouth relating to the conspiracy at New York, and to the want of stores of war there.

Collonell Hunter having by his letter of the 23[d] of June last given us an account of a conspiracy and attempt of some Negroes at New York, to murder the inhabitants there, and of their having been tryed and executed for the same, We inclose to your Lordship an extract [of] the said letter, wherein your Lordship will find a particular relation of that matter, as also an account of one Mars a Negroe, who had been twice try'd and acquited, but condemned upon a third tryal, and whom the Governor has reprieved, together with one Hosea and one John (Spanish Indians also under condemnation) for the reasons set forth in the said extract, till Her Majesty's pleasure be known; upon which we are of opinion, that the Governor had good reason for his granting the said reprieve, and we humbly offer that Her Majesty be graciously pleas'd to grant a pardon to the said Negro and Spanish Indians, they now ly in prison at their Masters charge.

We further take leave to inclose your Lordships an account of ordnance, and other stores of war remaining in Her Majesty's Garrisons in the Province of New York, as also an account of what stores are wanting for the said garrisons, and desire your Lordship will please to lay the same before Her Majesty, with our humble opinion, that her Majesty be graciously pleased to direct, that a supply of the stores wanting there, be sent by the first opportunity, and the rather for that Colon[ll] Hunter informs us that the war between North Carolina and the Tuscarora Indians, is like to embroyle all the Continent, that the five Nations of New York Indians, by the instigation of the French had threat[nd] to join with the said Tuscarura Indians, We are

My Lord

Your Lordships most obed[t]

& most humble Servants

GUILFORD

PH: MEADOWS

ARTH: MOORE

Whitehall

Aug[st] y[e] 27[th] 1712.

[1] *no* appeal — *New-York Documentary History*, 8vo., III., 266.

[2] in the plantations — *Ibid.* — ED.

Governor Hunter to the Lords of Trade.

[New-York Entries, J., 70.]

To the R^t^ Hon^ble^ the Lords Commiss^rs^ for Trade and Plantations.

My Lords

A. He has received the Boards letter of 12 June last, and the Queens order & Proclamation for a cessation of Arms.

I had the honour of your Lordships the 12^th^ of June last, by the hands of M^r^ Dupre, who arrived here on the 18^th^ instant, having left the Sarlings man of war, when she touched at Rhode Island, since the arrival of that ship, Capt^n^ Graves in the Dullidge, brought me Her Maj^tys^ orders and Proclamation for a Cessation of arms by sea and land, who being in haste to proceed to Boston with the like dispatches, and from thence streight for Britain, I have not time to give your Lordships so exat and particular accounts of the affaires on this side as is requisite, but I shall supply that defect by the Hector and Shoreham who are now preparing for their return:

B He thanks the Board for their Repns in his behalf to the Queen and Lord Treasurer.

I most humbly and heartily thank your Lords^ps^ for the honour & Justice you have done me in your represen^ns^ to her Majesty, and that to my Lord high Treasurer, and must suffer with patience, until the more important affaires at home shall afford leasure to apply the proper remedies; it would be crime to doubt it after what you have done.

C His stock & credit being exhausted in subsisting the Palatines he in a letter to ye managers of the work, intimated how they might support themselve during the winter.

As to the Palatines my substance and credit being exhausted, I had no remedy left but by a letter to the managers of the work, to intimate to that people that they should take measures to subsist themselves during this winter, upon the lands where they were planted, and such as could not, might find it by working with the inhabitants leaving with their commissaries their names & the names of the places or landlords where they are employed during that time, that they may be in readiness upon the first publick notice given to return to the work, which they have obliged themselves by contract to pursue; upon this intimation some hundreds of them took a resolution of possessing the lands of Scoharee, & are accordingly march'd thither have been buisy in cutting a road from Schenectedy to that place, and have purchased or procured a quantity of Indian corn toward their winter subsistance, it being imposs^ble^ for me to prevent this, I have been the easier under it, upon these considerations that by these means the body of that people is kept together within the Province, that when it shall please her Majesty to resume the design of prosecuting that work, that body at Schoharee may be employ'd in working in the vast pine woods near to Albany, which they must be obliged to do, having no manner of pretence to y^e^ possession of any lands but by performing their part of the contract relating to that manufacture, and that in that situation they serve in some measure as a frontier to, or at least an increase to the strength of Albany and Schenectaday, but if the war continues, or should by any misfortune break out again, it will be neither possible for them to subsist, or safe for them to remain there; considering the ill use they have already made of arms when they were intrusted with them. the tar work in the mean time was brought to all the perfection that was possible in the time, the trees have received their last preparation, and staves prepar'd for the barrells, the magazines almost finish'd, and the road between it and the pine woods almost compleated M^r^ Sacket, who has had the direction of that work ever since M^r^ Bridger did basely desert it, assures me, that the trees promise beyond expectation, the best of it in our present

Their proceedings thereupon.

D. The tar work in great forwardness.

circumstances is that the longer they should stand now the more tar they will yield, providing it do not exceed a year or two

The cause of the difference between preparing the trees at New York & at Moscow.

The reasons of the difference between the method of preparing the trees which your Lordships have transmitted to me, and that we follow, are obvious; the sun has much more force here than in Moscow, which obliges us to consult & follow the seasons of the year in our several barkings; I myself have observed that where by mistake the trees have been first rinded on the side where the suns heat had most influence, the ground near it was filled with turpentine dreined by it from the tree.

My friends in England who know nothing of the matter press mightily the send over a quantity of tar to convince the world of the solidity of the project. to your Lordships I refer them, who are sufficiently apprized of the time absolutely requisite to produce the first quantity in the manner it is done in all other Countries from whence we have had it, and shall conclude this subject with this reflection, if the production of that quantity of tar requisite for the Navy in her Majesty's own Plantations be a real advantage or rather at this time indispensable necessary to great Britain. if the world is convinced that tar is made out of Pitch pine, of which we are here sufficiently perswaded, our trees yielding as much turpentine, (which is the same substance) as any in the world. if a sufficient Number of hands duely instructed and employ'd are the instruments and means of producing it, which are now here at a great expence and so employ'd, if all this, be true as undeniable it is, then I shall still conclude it impossible that this design as can be dropt, when it is brought so near to the Pitch of perfection.

E. Inducements for incouraging the making of tar in the Plantations.

By the inclosed minutes of assembly your Lordships will observe that nothing it yet done or to be expected from them toward the support of Government. I communicated to them, as I was directed, your Lordships sentiments with relation to their proceedings, what regard they pay to them, your Lordships will be apprized of by their resolves of the 30th of October, where they still insist upon the councils having no right to amend mony bills, a notion but lately broacched, the practise of almost all former assemblies standing on record against them in that matter, the indecent heats & undutifully expressions in their house upon the reading your Lordships letter, are not fit to be repeated, two things they avowedly declare they will never depart from, that is, the appointing of salaries, and the custody of the publick mony, and now having for several years starved the Government, they consume the time during their several sessions in bantering it, that is by preparing bills, which they know can never pass, and others which if passed would raise no money, whilst in the mean time their frequent sessions cost the country more money than an honourable support of Government would amount to. I have nothing to hope for from a New Assembly, for the reasons formerly alledged to your Lordships, which experience has since that time confirmed, the same members being return'd to one man, I shall only add, and I pray god my prediction may prove false, the remedy for those evils if delay'd will cost more than the Province is worth. Such bills as shall pass my assent this sessions, shall be transmitted by thenext conveyance.

F. He complains of the obstinacy & indecent behavior of the Assembly.

And refers to the minutes, herewith transmitted for the truth thereof.

No remedy to be expected by calling a New one for reasons formerly alledged.

G. Bills to be sent next conveyance.

H. He proposes no good issue from meeting the New Jersey assembly, 'till some of the Council formerly mentioned be removed.

Mr Peter Sonmans particularly.

My constant attendance on the assembly here hath obliged me as constantly to prorogue that of the Jerseys, neither can I promiss myself any good issue from that meeting if those gentlemen formerly mentioned, continue in the council, that faction upon all occasions vilify and affront the Government in all its branches, one of them Peter Sonmans, an alien lately after having given orders to a servant of his (to whom it seems during a former administ^{n} Mr Bass had intrusted the

records of the eastern division of that Province) not to shew them to those who had not only my order, but Mr Basse's for that purpose, upon hearing of a 2d application and complaint to me from the parties concerned, thought fitt to break open the trunck in which the records had been kept and carry them out of the Province, Some time after the Chief Justice having issued out his warrant for a search, and another for apprehending the said sonman, the records were sent from New York by a permit for Philadelphia, but Mr Bass who his likewise surveyor of the Customs at Burlington as he affirms to me suspecting there might be some prohibited goods in the said trunk when at Burlington and having a key sent him by an unknown hand sealed up in a blank piece of paper had the curiosity to hopen the trunk where to his great surprize, he found all the records of the eastern division safe and sound, and swears he will now never part with them more but with his life, I suppose the collusion is palpable enough to your Lordships but I shall make all more plainly by the next conveyance, In the mean time the taxes are paid with daily difficulty and prosecution, occasioned by the ill example and countenance of some of these gentlemen and matters of Government in the high road to the same confusion that reigns in this province, whilst the remedy is easy and nobody hurt by it.

And why,

I. The Indians quieted A new Fort & chappel built in the mohocks Country.
But the other in the Onondage like to meet with opposition by French emissaries. whose design he hope to frustrate

I am further to acquaint your Lordships, that our Indians are now quiet again, a very good fort & C[h]appel built in the Mohacks Country, where I have at present 20 private men and officers, the other in the Onandages Country is like to meet with some oppositions by the evils arts of french emissaries, but I hope to get the better of that, and carry on the work this summer, the missionary for the Mohacks is arrived, and upon is departure for his mission, I doubt not, but hee will be kindly receiv'd

The Missionary of the Mohacks arrived.

Referring the rest to the next conveyance, I am with the greatest honor and deference imaginable,

My Lords

Your Lordships'

most humble & most obedt

Servant

Rob: Hunter

New York
Octr 31st 1712.

I need not inform your Lordships of the loss that must attend the interruption of the tar work, if it is resumed by the reason of the want of a yearly succession of prepared trees

Governor Hunter to Secretary Popple.

[New-York Entries, J., 84.]

To Wm Popple, Esq:

Sir,

What I have to add to my general letter to the Board, and would have you communicate to them is this, the assembly since the writing of mine, in order to put off or defeat ye intention of their Lordps contained in theirs to me, have in a hurry entred into some resolves for the

payment of the officers of the Government by which they reduce all salaries to the standard of their own conceit, and do not allow me for all the contingencies of Government and my salary, so much as the salary appointed me by her Majesty amounts to, thô they themselves know and allow that the single article of firing and candles for the garrisons amount to more than 400l. per annum; but even for these sums in their resolves they neither have or ever intend to give any other fonds than the imaginary ones mentioned in my letter, and their members have already acquainted me with their design of breaking up in a day or two, and how far their resolves are to be depended on, the treatment of the heirs of the late Lord Lovelace will inform their Lordships.

The have also voted an address to the Queen, for her orders to me to pass an act establishing an agent for them in England which according to the purport of ye rough draft, I have secretly seen, amounts to this, that her Majesty would be pleased to receive no representations of matters relating to Her Province and the Government of it for the future, but such as shall be made by their agent instructed by them or a committee of them to sit at all times, excluding their Lordships, the Govr and Council of this Province, as their Lordships will also observe from the Copy of the bill they formerly sent up for that purpose, which I long ago sent over to their Lordships, I am with all regard,

Sir

New York
Novr 1. 1712.

Your most humble Servt
Rob: Hunter.

Governor Hunter to the Lords of Trade.

[New-York Entries, J., 60.]

To the Right Honble The Lords Comrs for Trade and Plantations.

My Lords,

Besides what is contained in the Inclosed Duplicate of what I wrote by the Dunwich, I am now to inform Your Lordships, that the Assembly, after having insisted upon the Council's having no right to make Amendments to mony Bills notwithstanding of Your Lordships' judgment communicated to them, & having offered no Bills for support of Government but such as they well knew could not pass, being expressly against the terms in my Instructions, they adjourned themselves for a fortnight, & not meeting at the time appointed I adjourned them from day to day during a fortnight longer, when there being eleven and the Speaker assembled they sent me a message by two of their members to inform me of their number, and that they did not expect any more signifying their desire by word of mouth for a recess during this winter season which I was obliged to grant, they not being sufficient a number to Act as a house, and accordingly prorogued them to the 25th of March next.

If Your Lordships wanted anything further to convince you that there is no hope of any support of government from them, unless her Majesty will be pleased to put it intirely into their own hands, these proceedings would be sufficient. But to shew you to what mean Shifts they are forced to have recourse, I here venture to enclose their address to her Majesty brought to me in the Votes of the Day, under the hand of their own clerk. It is impossible they can

conceive any hopes of amusing her Majesty with y^e^ pretence of their being misrepresented, their own Minutes of Proceedings sufficiently evidencing the truth of all that hath ever been represented by me or the Council here, but to amuse the People who feel the expence of their frequent, long and fruitless Sessions heavier than a just settlement would prove. Your Lordships had long ago that Bill for Establishing an Agency for New York for which they address, and which amply enough explain their intentions.

I cannot resolve upon meeting the Assembly of the Jersies until I know Her Majesty's Pleasure with relation to the Council of that Province, foreseeing nothing but inevitable confusion; M^r^ Sonmans since his having Imbezeled the Records, has thought fit to retire to Pensylvania, where he diverts himself with printing and dispersing Libels against the Government here.

The Palatines continue upon the grounds where I have planted them so that we have them at hand when her Maj^ty^ shall think fit to reassume the designe, and require the performance of their Contract

The Indians are at home and quiet, having returned from their Expedition without effecting anything, being divided among themselves. The Missionary for the Mohacks is gone thither, I have heard nothing from him since he hath been there. My numbers are much too few for the numbers of garrisons. I have not heard of late from the Undertakers of the Fort at Onondage by reason of the season of the year, which makes me conclude that they have met with no opposition as it was apprehended.

I shall send by the two friggatts, now under sailing orders, all the Acts passed in these last Sessions, and can venture no more by this uncertain conveyance.

I hope Your Lordships can safely bear me witness that her Majesty hath not a Subject who hath served her with a more firm and disinterested Zeal, & I assure You she has not one in a more deplorable situation, than,

My Lords, Your Lordships' most humble
& most obedient Servant.
Rob. Hunter.

New York
Dec^r^ 16^th^ 1712.

Governor Hunter to Secretary Popple.

[New-York Entries, J., 86.]

To W^m^ Popple Esq^re^

Sir,

You'll hear by mine to their Lordship's in what posture our affairs are here, it is not credible that the Ministry after what is past, can flatter themselves that any thing is to be done of this side; you will be able to inform me, whether they have any inclination to apply the proper remedy, this I beg of your friendship that I may take my measures accordingly for I would shun, if possible the danger of being a prisoner for life. the Lords of trade have, I find, in every thing done me Justice, for which they shall have my prayers and thanks whilst I live, which is all I have left to give any body, whatever becomes of me, I am bound to be ever.

Sir,
Your most thankfull and
most humble Servant.
Rob: Hunter.

New York
Dec^r^ 16. 1712.

Order in Council, authorizing Appeals in certain Church cases.

[New-York Entries, J., 65.]

At the Court of S^{t} James's the 8th day of Jan^{y} 1712.

PRESENT—THE QUEEN'S MOST EXCELLENT MAJ^{TY} in Councill.

Upon reading this day at the Board a Report from the Lords Commiss^{rs} of trade and plantations in the words following, Viz^{t}

To the QUEEN'S MOST EXCELL^{t} MAJESTY.

May it please your Majesty,

In obedience to Your Majesty's order in Council of the 28th of July last, referring to us a repres^{n} from the society for the Propagation of the Gospel in foreign parts, setting forth the hardships suffered by M^{r} Tho: Poyer Clerk in the Province of New York, and humbly submitting to your Majesty, whether in the case represented by them, and in cases of the like nature, your Majesty may not think fit to dispence with that part of the instructions given to the Gov^{r} of the said Province whereby it is provided, that in all appeals to the Gov^{r} & Councill there, the sum appealed for do exceed £100, and in all appeals to your Majesty in councill, the sum appealed for do exceed three hundred pounds sterling, we have also been attended by several members of the said society; and thereupon take leave to lay before your Majesty the state of the case as it appears to us from the said representation.

Upon the death of M^{r} Urquhart, late Rector of the Parish of Jamaica in Long Island, Coll: Hunter Your Majesty's Governor of New York inducted M^{r} Tho: Poyer a person duly qualify'd according to Your Maj^{tys} instruction in that behalf, to the Rectory of the said Parish, notwithstanding which by the violence of some secretaries[1] disaffected to the church, the said Poyer hath been wrongfully kept out of the Parsonage-House and glebe, that the said Poyer is unwilling to seek his remedy at law, being apprehensive that if a cause of the church should be try'd and Judged by dissenters, he would not find Justice, and the value of the said House and Glebe being small, an appeal would not lye from the inferior courts to your Majesty's Governor & Councill there.

This appearing to be the state of the case, we are humbly of opinion, that in cases where the church is immediately concern'd (as in the present case) Your majesty be graciously pleased to allow the Clergy liberty of appealling from the inferior courts to the Governor and Council only without limitation of any sum

Which is most humbly submitted

PHIL: MEADOWS
ROB^{t} MONCKTON
THO: FOLEY
J. HINDE COTTON

Whitehall
Nov^{r} y^{e} 25th 1712.

Her Majesty in her Privy Council taking the same into conderation, was graciously pleased to approve the said report, and to order, as it is hereby ordered, that in case where the church

[1] sectaries — see Ante, p. 345. — ED.

is immediately concerned (as in the present case) liberty be given to the Clergy to appeal from the inferior courts to the Gov^{r} and Councill only, without limitation of any sum, and Her Majesty is further graciously pleased to order that as well in this as in other the like cases, liberty be given to the Clergy to appeal from the Governor and Council to her Majesty in her Privy Councill without limitation as aforesaid, and the Right Hon^{ble} the Earl of Dartmouth, her Majesty's principal secretary of State is to prepare a letter for her Majesty's Royal Signature, and Sign Manual accordingly, to be sent to Her Majesty's Governors of the Province of New York or to the Commander in Chief there for the time being

E. SOUTHWELL.

Secretary Harley to the Lords of Trade.

[New-York Papers; Aa: No. 123.]

My Lords & Gentlemen

Coll Hunter the Gov^{r} of New York having in a letter from thence the 31st of october last mentioned to my Lord Treasurer, that the distracted state of that Province calls for a speedy and effectual remedy: His Lordship commands me to transmitt the said letter to you & desires you will please to consider the same, and let him have your opinion thereupon

I am,

Trêary Chambers
18. Feb^{ry} $17\frac{12}{13}$.

My Lords and Gentlemen
Your most obed^{t}
humble Serv^{t}
T. HARLEY.

The Lords Com^{rs} for Trade

Governor Hunter to the Lord Treasurer.

[New-York Papers; Aa; No 123.]

New York 31 Oct^{r} 1712.

My Lord

Were I not perswaded that the complaints of the distressed are only greivous to y^{r} Lordship when you have no redress in y^{r} Power I would not at this time presume to trouble you with mine, consisting of these three heads, The Bills for the expedition to Canada not answered, All y^{e} Bills for the subsistance of the Palatins unpaid, and an expensive Government without a support

The Earle of Dartmouthes letter of the eighth of July with the assurances of the remittances being speedily answered, brought me New Life. Copys of my Vouchers were sent home by the Virginia Fleet long agoe which I hope came safe to your Lordps hands

I have acquainted the Earle of Dartmouth & the Lords of Trade with the present state of y^{e} Tare work & workers @ shall not trouble your Lordship with a repetition, only beg y^{r} Lordp to consider what I have done in that matter was by Her Maties special order and instructions, which shall ever be sacred to me

I am persuaded that by this time your Lordship is of opinion that the distracted state of this province calls for a speedy & effectual remedy which is not to be hoped for on this side. To your Lordp's wisdom I leave it, and only beg leave to assure you that in all my actions I have had no other view or studied any other ends but the advancement of Her Maties Interest and service and the publick good, by w^{ch} tenure alone I lay hold of y^{r} Lordship's Patronage and humbly take leave to subscribe myself

My Lord

Your Lordships

most humble &

obedient Servant

Ro: HUNTER

Clergy of New-York and New Jersey to the Reverend Jacob Henderson.

[New-York Papers, VI., 243.]

Copy of a letter sent to the Rev^{d} M^{r} Jacob Henderson &^{c}

New York, 5 March $17\frac{12}{13}$.

Reverend Brother.

We are heartily sorry for the unhappy occasions of giving you the trouble of this with the inclosed Memorial and a letter from Coll: Morris with our answer to it, and are deeply concerned that we are thereby laid under the ungratefull necessity either of disapproveing the Characters you are said to have given of some gentlemen, to the Hônble the Board of Trade and Plantations, or of doeing wrong to our own consiences, if, when so earnestly required to it, we schould by our unmannerly silence seem to justify what several of us know to be false and unjust.

As a means of that strict union amongst ourselves injoyned us by our Patrons at home and of promoting the real interest of the Church, the true end of our mission, where,[1] by His Excellency our Governour's approbation, appointed to keep our next meeting at Amboye for the convenience of our brethren of Pensilvania, if they please, for mutual advise and assistance, to give us a meeting.

If in justification of your self and for our satisfaction, you will please to give a return to this, with respect to what is laid to your charge, in calumniating some Churchmen that never shewed any inclinations to Presbitery or annarchy, which is an imputation on all our Order and brings us under the contemptible appellation of party tools, we desyre you would direct for the Reverend M^{r} M^{c}Kenzie, and we remaine

Reverend Sir

Your loving Brethren

and humble Servants.

ALEXANDER INNES — CHRIS: BRIDGE. — DANIEL BONDET

ÆNEAS M^{c}KENZIE — EDWARD VAUGHAN[2] — T. HALEDAY[3]

JOHN BARTOW — JOHN SHARPE. — HENRICUS BEYS.

[1] we're?

[2] Missionary at Elizabethtown, N. J.

[3] Missionary at Amboy. — ED.

Governor Hunter to the Lords of Trade.

[New-York Papers VI., 244.]

N. York y^e^ 14 March 171$\frac{2}{3}$.

My Lords,

This letter relates to the affairs in New Jersey, which remain still in y^e^ same perplexity untill Her Majesty's pleasure be known touching the alteration of her Council there, upon which intirely depends the quiet of that Province.

There has been somehow handed over hither a copy of a Representation[1] said to be given to your Lordships signed by Jacob Henderson Missionary for Dover hundred in Pensylvania, aspersing foully some gentlemen recommended by me for Counsellors; some of the gentlemen concerned being so basely attacked in their reputations thought it necessary for their justification to appeal to the Convocation of the Clergy of both Provinces assembled at New York, who unanimously agreed upon the resolution of sending to M^r^ Henderson a letter signed by them all, a copy of which is here enclosed, by which your Lordships will perceive how little credit is to be given to representations of that nature.

Nothing but the appeal I have made to Her Majesty could have kept me from suspending some of these Gentlemen of the Council for their turbulent and undutifull behaviour, and I can not doubt but that your Lordships will doe your endeavours to prevent Her Majesty from being trampled upon in the person of her Governour, how inconsiderable soever that may be, while she is pleased to continue him in that office. M^r^ Sonman still absconds and continues to disperse his libels; M^r^ Pinhorne has never attended the Council since the first Assembly and I believe resolves never more to doe so; M^r^ Tounley, M^r^ Gardiner and M^r^ Quarey are dead; M^r^ Cox talks still confidently of his goeing for England: So that I shall hardly be able to made a Quorum of Council for business, and even many of them disposed and resolved to obstruct all business.

I formerly wrote to your Lordships about a Court of Chancery in that Province; the subject in this, finds ease and releif from it, and there in the Jerseys beg and groan for it; but there is no hopes of opening such a Court with the advice of the Council as it is now constituted. I desire to be resolved by your Lordships whether y^e^ custody of the Seal does not actually constiute such an Officer and Court, and if so, whether I may not by proclamation, without the Council's concurrence, declare such a Court to be opened.

It is to no purpose to let the Assembly meet until Her Majesty's pleasure relateing to Her Council there be known. I am, with all imaginable honour and regard,

My Lords

Your Lordships most humble
and most obedient Servant

(signed) Ro: Hunter.

[1] For this Document, see Ante, p. 334. — Ed.

Governor Hunter to the Lords of Trade.

[New-York Entries, J., 92.]

To the Right Hon^ble^ the Lords Commiss^rs^ for Trade & Plantations

My Lords,

A. Letters he has received and answered.

I have not had the honour of any of your Lordship's Commands since that the Dunwich man of war, brought me last fall, by which ship I wrote to your Lordship's, as I have also done since by a Merchant ship bound from hence for London, a duplicate of which you have by this conveyance the Hector.

B. Not the least hopes of ye Assembly's supporting that Gov't without a surrender of Her Majesty's prerogative as to mony bills &c.

I must once more assure your Lordship's that there remains not the least glimpse of hopes that an Assembly here, will ever do any thing effectually for support of her Majesty's Government amongst them upon any other terms than her giving it up entirely to them, for what else would those articles they so boldly insist upon amount to if granted, Viz: raising of mony by ways and means of their own, exclusive of the council, who they still affirm, (notwithstanding of what your Lordship's Commanded to be communicated to them and the practise of former assemblies) have no right to meddle in mony bills.

Their appointing a Treasurer.

Suspending the Receiver Generall

and ordering Salaries to particular officers &c

Their Lodging of all publick monys in the hands of a Treasurer of their own, who is to dispose of none but by their direction, by that means making a Cypher of Governor and Council, and suspending from the execution of his Office Her Majesty's Receiver General, so constituted, by Her Royal Letters Patents under the Broad seal, their naming and appointing such salaries, and to such offices as they shall think fit, without any regard to those of Her Majesty's appointment.

Now My Lords, these resolutions & practises having so apparent a tendency to the dissolution of the Government, remote from requisite remedies in such a case, I would chuse any extremity rather than close with them, Thô I had not that sacred bar, her Majesty's instructions so expressly forbidding me.

he could never comply with.

The Assembly dissolved for their disrespectful behaviour, which he instances.

I have however with the advice of the Council dissolved this Assembly, not out of any hopes we conceive from a New Election, but merely as a duty incumbent upon me after the disrespectful behaviour of the last, for when they have fixt the name of slavery upon the supporting the Government in the manner her Majesty has been pleased to direct, and that of liberty on their own rash resolutions and practises, and have taught the thoughtless people to speak after them, there remains but small hope of any change in the elections, but what may be for the worse as we have experimented in the elections when the dissolution was an act of their own.

C. He sends minutes of Council and the Acts of last Session.

His observations on the Negro Act.

Your Lordships will receive with this, the minutes of Council and all the Acts passed this last sessions, being nine Publick and two Private ones, none of which want any observations only the Negro Act which thô much mitigated in its severities by the Council's amendments, I am apt to believe, your Lordships will still think too severe, but after the late barbarous attempt of some of their slaves nothing less could please the people; this leads me to acquaint your Lordships that by some private letters, I am informed that the Earl of Clarendon has given himself much trouble to obstruct the pardon of those I had reprieved, and that

D. Of the Earl of Clarendon's obstructing the pardon of some Negroes Spaniards he had reprieved.

A petition Clandestinly procured by Mr Bickley at New York, for that purpose.

there was a pe[ti]tion signed by many hands gone from thence for the same purpose; I am since sitisfy'd here, that there was such a petition secretly carry'd round by one Bickly a busy waspish man, who acted then as Attorney General; the grand design of that petition was to confirm some People in the belief of what he and his associates give out, that I have neither credit nor favour at home, the secondary one to give credit to his own infamous proceeding in that matter, for their being some Pique between him and Mr Regnier the master of one of the suspected Negroes after he had been twice acquitted by two different Jures of the most credible and substantial of the inhabitants here, he had him by some fetch of law try'd again at the supream court, where he found a jury tractable to his purpose, where he was found guilty: I solemnly protest to your Lordships that in what I have done I had no view but to save inôcent blood for by all the examinations and declarations of the evidence and the persons executed, I am convinced in my concience, that he is inocent of that fact or the contrivance of it as the child unborn, the others are spaniards unjustly kept in slavery here many years, and reprieved by that Bickley's own desire, but it was Clarke who came to desire the mistres of them to beg for a reprieve, about the time of their intended execution when the whole town seemed to acquiesce in their innocence and approve of the reprieve: Many who had signed that paper, have declared to several gentlemen that they knew nothing of contents thereof, but being told, that it was an address for a law to punish Negro Slaves, they signed it. I have in this acted according to conscience, and shall wait for the issue from her Majesty's determination, and only beg leave to observe upon this occasion, that if clandestine representations projected by an angry and designing man, and handed round to the unwary and ignorant for subscriptions, should gain credit and countenance at home, the Governor whoever he be, must have a very uneasy time of it, and knowing nothing of his accusation or accusors, and living remote from his equal and just Judges, suffers in his reputation and perhaps in his fortunes without a remedy.

Bickly's Character and practises against him.

A Pique between Bickly and Mr. Reyner, master of one of ye suspected Negroes, which after being twice acquitted was by contrivance of Mr. Bickley, try'd again and found guilty.

he is convinced is entirely innocent.

The spaniards were reprieved at Bickley's desire.

And the town seemed to acquiesce in their innocence.

Many signed the petition ignorantly.

If clandestine representations subscribed by the ignorant and unwary are incouraged.

a Govr may suffer without opportunity of remedy.

E. He has rejected a bill for a Genl naturalization

The House of representatives pass'd and sent up a bill for the naturalization of all Foreigners being protestants, which also pass'd the Council but an act of the like nature being so lately repealed in England, and their behaviour here entituling them to no such favour from the Crown at present, I judged it advisable & for her Majesty's service to refuse my assent to it at this time.

his reason.

F. upon a cessation of paying Quit rents.

There having been for some years past a total cessation of the pay of Her Majesty's quitt rents, I did by advice of the Chief Justice, and others learned in the laws, issue out writs from the Chancery for that purpose, which begin to have their effect, for many are since come into pay their arrears. It appeared a combination by their own confession, sev[l] having owned that they were resolv'd never more to pay any, relying upon the sence and strength of a Country-Jury, if they should at any time be sued for the same, but indeed the yearly quit rents of this so considerable a province, amounts to so inconsiderable a sum, that I cannot help blaming the negligence of such as have made out so very large grants with little if any reservation to the Crown. and in one very hard case upon the Crown, I must intreat your Lordship's opinion some who held originally tracts of Land under a certain Quit Rent, have from succeeding Governments obtained new grants for the same, or grants of confirmation without any reservation, reducing the old Quit Rent to a sum next to nothing, Q[r] Whether

he has issued chancery writs

their effect.

'Twas a combination among the grantees.

The yearly Quit Rents inconsiderable.

Queries there upon for the Boards opinion.

those subsequent grants be good in law, and whether the parties be not bound to pay the Quit Rents specify'd in their original grant, others have grants with this reservation only, paying such Quit Rents as shall hereafter be established by the laws of this plantation; and others such as shall be established by his Royal highness his heirs and successors, now her Majesty has by her instructions established half a Crown for every 100 Acres at least Quære, whether such are not obliged to pay that half crown at least from the date of such instructions or from what other commencement they are obliged to pay it

G. The palatines where they were planted. Subsisting as they can till the Queen's resolutions, his want of Credit to set them to work.

In the next place, My Lords, the palatines remain within the province, and for the most part within the lands where I p[l]anted them, subsisting as they can, and waiting her Majesty's resolution, could I find any more credit, I would set them to work this spring, to prepare a succession of trees, but that is long since exhausted, none of my bills of any kind being paid at home; and I my self reduced to very hard shifts for a bare subsistance, neither is it possible to oblige them to work in the woods without subsistance; tho' for the future, I believe the work may carry'd on by barly subsisting the workers during the times they shall be imploy'd with the addition of a small allowance of bread for their families; so that the yearly expence may be reduced to 5000^{li} sterl, not including the expence of horses, waggons and magazines, with their proper officers; Your Lordships understand me well, that I do not propose this as a perpetual expence but only until such time as we can have returns of the produce of their labour which considering the disappointments in point of time by their late arrival in the first year, and the interruption caused by the nonpayment of my bills, and the time necessary for making of tar, as it is plain from the practise of the of the eastern Countries, and our own experience, is three years may be reasonably ca[l]culated to be requisite for two years forward at least, which also is to be recôned as money lent to them, seeing by their contract they are to repay it by their labour; it is some small comfort to me, that I have brought that great undertaking to all the perfection that human power or indust[r]y could do in that time, and under such circumstances, and that we have a demonstration of the success of our labour, the prepared trees, tho' not yet ripe for manufacture yielding great quantities of turpentine.

Charge for which it may be carry'd on for the future.

The expence not perpetual.

His consolation in having brought the undertaking to all perfection possible, considering time and circumstances.

The trees prepared yield a deal of turpentine.

H. Fort & Chapple in the Mohacks village finished. the missionary indifferently received at first. by Hendrick's putting them in apprehension of paying tenths. they were undeceived.

I acquainted your Lordships in my former that the fort and Chappel in the Mohocks village was finished, the missionary[1] at first had but an indifferent reception by the means of one Hendrick, who was one of those carry'd to England, who had possess'd them with a notion that the Minister was to claim a tenth of all their lands and Goods, but being undeceived, they have received him kindly, and have expelled their community one of his opposers, for that & having poisoned another.

I. He send accts of expences of last years sessions of Assembly.

they sit not to promote bussiness but their profit.

I have herewith in the paper marked P, sent Your Lordships an account of the expences of the last years session of Assembly, by which you will perceive what induces them to sit & do no business, for by that means they create a necessity of frequent sessions, and thereby receive a greater income than for the most part their farms or employments yield them, the account I had from their own Clerk.

K. His sufferings. I most humbly recommend myself and sufferings to your Lordships consideration, and generous patronage, and am with the most profound regard

My Lords &c.

March 14th 17$\frac{12}{13}$.

Ro: Hunter.

[1] Rev. William Andrews. — Ed.

Lords of Trade to the Earl of Dartmouth.

[New-York Entries, J., 88.]

To the Right Hon^ble^ the Earl of Dartmouth.

My Lord,

Letter to the Earl of Dartmouth, relating to the misbehavior of the assembly of New York and the settlement of a revenue there.

Since our representations to her Majesty, of the 16 Feb^ry^ 17$\frac{10}{11}$ & 13 Nov^r^ 1711 & 23^d^ of April last, concerning the difficulties Col: Hunter her Majesty's Gov^r^ of New York had met with from that Assembly of that Province, in relation to the procuring the settlement of a revenue for the support of the Government there, we have received frequent complaints from him and the Council upon the same subject, whereupon we take leave to acquaint your Lordship.

That the Assembly still persist in their resolution of not permitting the Councill to make any amendment to a mony bill, pretending they (the assembly) have an inherent Right to dispose of the mony of the freemen of that Province and that such their Right does not proceed from any Commission, letters Patents or other grant from her Maj^ty^ but from the free choice and election of the people; notwithstanding they had been acquainted they could not be elected nor sit us an assembly but by virtue of a clause in her Majesty's commission to the Governor, so that several mony bill which have been amended by the Councill in some essential parts were lost; and that Gov^t^ is at present without any Revenue for the support thereof. Colonel Hunter being empower'd by her Majesty's Commission with the advice and consent of the Council to erect and constitute such Court's of Judicature, as should be thought fit and necessary; on the repeated Petitions from several parts of that Province, did by advice of the Council, establish a Court of equitty; upon which the assembly on the 24^th^ of Nov^r^ 1711, resolved that the erecting a Court of equity, without consent in General assembly, is contrary to Law, without precedent, and of dangerous consequence to the liberty & property of the subjects.

By her Majesty's additional instructions to Coll: Hunter, of the 30 of December 1709 he was required to reconsider an ordinance passed at New York in 1693 for settling of fees, and with the advice and assistance of the council, to prepare such another table of fees (if need were) as would make a reasonable provision for the officers, and be most agreeable to the Circumstances of the Province, which having be[en] prepared accordingly, the assembly did on the forementioned 24^th^ of November resolve, that the establishing fees without consent of the General assembly is contrary to law,

These are some instances of their undutifulness to her Majesty, and of their attempting to abridge her Royal Prerogative there, upon all which Col: Hunter observes in one of his last letters, that if y^e^ remedy for these evils be long delay'd it may cost more than the Province is worth.

To which we take leave to add, that this proceeding of the assembly of New York will be of very ill example to her Majesty's other Governments in America, who have most of them already shewn too much inclination to assume pretended rights tending to an independency on the Crown of Great Britain: and therefore to remedy the inconvenience at New York, and to prevent the mischief that is to be feared there, and to deter the other Plantations from attempting the like, we humbly offer, that her Majesty's pleasure be signified upon the draught of a bill to be pass'd here, for settling a revenue at New York, which we prepared by her

Majesty's directions & laid before her Majesty the 15 of March $17\frac{1}{11}$ (a Copy whereof is here inclosed) for unless this be done, we do not see any probability that the Assembly of New York will settle any revenue, for the support of her Majesty's Governor or Govern^{t} there, we are

My Lord

Your Lordship's

most obedient & most

humble Servants

GUILFORD

ROB: MONCKTON

FRANCIS GWYN

THO: FOLEY.

Whitehall
April 1. 1713.

Lords of Trade to Governor Hunter.

[New-York Entries, J., 103.]

To Rob^{t} Hunter Esq^{re}

Sir

Since our letter to you of the 12th June last, a duplicate whereof is here inclosed, we have received your of the 1st of March, the 23^{d} of June, the 11th of July the 31st of October & 16th of December, and have seen yours to our Sec^{ry} of 1st November & 16th of December last; we have also received yours of the first of Jan^{ry} $17\frac{11}{12}$ relating to your Government of New Jersey, and are thereupon to acquaint you.

That we transmitted to y^{e} Lords Commissioners of the Admiralty, the proposals you sent us, relating to the building a Gally & furnishing her Majesty with Naval stores.

As to what you write concerning the payment of your bills for the subsistence of the Palatines, we can assure you, that we have from time to time represented that matter to my Lord high Treasurer, as you have seen by our several representations.

The Acts of New Jersey the one for raising mony, and the other for the currency of bills of credit are now under our consideration, we shall lay the same before her Majesty for her pleasure therein.

In answer to that part of your letter, relating to the Act for issuing mony out of the Treasurers hands, for the support of the Government &c we must refer you to what we have already writ to you upon that subject.

We shall expect the account you promisse us, of the number of inhabitants, and desire that you will distinguish the men, women and children.

You say that there has never been any register kept as to births and burials, and that there is not a possibility of doing it until the Counties are subdivided into Parishes, great numbers remaining unchristned, for want of Ministers, upon which we should be glad you would let us know, what provision can be made at New York for the support and maintenance of such ministers there.

We have laid before her Majesty the accounts of arms, ammunition &c and what you write touching the wants of the Province; as also the accounts of the conspiracy of the slave to

destroy the inhabitants, and as you desire, have humble proposed to Her Majesty, the reprieving those mentioned in your letter, and so soon as we shall have received her Majesty's pleasure on these matters, we shall transmit the same to you.

You shall likewise have the necessary information as soon as we know the event of what we have done upon your complaints, in relation to the behaviour of the assembly of New York; that whole affair has been laid before Her Majesty, with the Draught of a bill we humbly offered might be proposed in the Parliament of Great Britain, for raising a revenue at New York, to support that government, and we are not without hopes that the same may pass into a law here.

We are not a little surprized at the votes of the assembly, upon your erecting a court of equity at New York it having been done, by virtue of the power vested in you by Her Majesty; and at the desire of the inhabitants, these votes as well as those they made in relation to the ordinance for settling of fees, and so undutyful to her Majesty, and so highly derogating from her Royal Prerogative, that we have laid the same before her Majesty, and doubt not by the next conveyance, to be able to acquaint you with the resolutions that shall be taken thereupon.

We hope now, you will be made easy, in relation to the Councillors of New Jersey, we laid that matter very fully before her Majesty, with our opinion that William Pinhorn, Dan: Cox, Peter Sonmans & W^{m} Hall should be removed from the council, and John Anderson, W^{m} Morris, John Hamilton & John Reading admitted in their places, and that Elisha Parker and Tho: Byerly be added to fill up two vacances. which her Majesty has been pleased to approve, so that there remains nothing to be done, but that some person here, take out her Majesty's orders in this matter.

If you had an agent here, we could send to him to do it, but as you have none, we do not know how long the Orders may lye before they are dispatch'd to you, this shows you the necesity of having an agent for each of your Governments, and we desire therefore that you use, your utmost endeavours to get such a one establish'd.

We have this day, received your letter of the 14th of March last relating to New York, and one of the same date concerning New Jersey, the last whereof relating cheifly to the counsellors of that Province, needs no other answer than what we have writ above, except that when the Council is changed, you may then by their advice establish a court of Chancery there.

As to the pardon of the persons that have been condemn'd her Majesty has approved thereof, and M^{r} Orby will take care of conveying it to you, if any such petition^{rs} representation as you mentioned, should be laid before us, you may be assured that we shall do you justice, and that you will not be condemned unheard.

We have not received the address from the Assembly to Her Majesty which you mention in your letter of the 16th of Decem^{r} last, and the Votes of the assembly referr'd to in your letter of the 14th of March, is imperfect, wanting at least two pages,

As to the Quit-Rents, we shall consider thereof and by the next opportunity give you an answer thereuto. We are,

Sir

Your most humble Servants

GUILFORD.
PH MEADOWS
RO: MONCKTON
J. HINDE COTTON.

Whitehall
April 23^{d} 1713

Secretary Popple to Attorney-General Northey.

[New-York Entries, J., 426.]

To Sir Edward Northey K^{t} Her Maj^{tys} Attorney Generall.

Sir,

Letter to Mr. Attorney General with an extract of Col: Hunters instructions & of his letter dated the 14th relating to grants of Quit Rents, for his opinion thereupon.

The Lords Commissioners for trade & Plantations having lately received a letter from Coll: Hunter, Her Majesty's Governor of New York, to 10th it is necessary to return and answer as soon as possible, with your opinion in point of Law, upon some parts of the said letter, I am commanded by their Lordships to send you the inclosed copy of a clause in Her Majesties instructions to Coll: Hunter relating to Grants of Land and Quit Rents to be referr'd at New York, and to state Col: Hunters queries on that subject, for your opinion thereupon accordingly with what speed you conveniently can

Some persons who held originally tracts of land under a certain stated Quit Rent, have from succeeding Governors, obtained new grants for the same, or Grants of confirmation without any reservation, reducing the old Quit Rent to a very small sum.

Quære, whether these subsequent Grants be good in Law, and whether the parties be not bound to pay the Quit Rents specify'd in their original Grants.

Other persons have Grants with this reservation only, paying such Quit Rents as shall hereafter be established by the laws of this Plantation; and others, such as shall be establish'd by His Royal Highness (then Duke of York, and proprietor of that Province) his Heirs and Successors: now Her Majesty has by Her instructions established half a crown for every hundred acres at least.

Quære, whether such are not oblig'd to pay that half crown, at least from the date of such instruction, or from what other cômencement they are obliged to pay it, I am

Sir

Whitehall — Your most humble Servant

April 28th 1713. W. Popple.

Attorney-General Northey's Opinion on the above Queries.

[New-York Entries, J., 119.]

As to the first Query, the resolution thereof depends upon the authority that the succeeding Governors had for making such New Grant or Grants of Confirmation, and thereby reducing the old Quit Rents, which is not stated but I am of opinion if the succeeding Govern^{rs} had a sufficient authority by their Commissions for making such reduction and such New grants by the Act passed at New York the 2^{d} of March $169\frac{8}{9}$, were not resumed the patentees are to pay no more than the reduced Quit Rents, But if the succeeding Governors had not by their Commissions authority to make such reductions, which I am of opinion they had not, if the power granted to them was only for making Grants of Land not in grant, or that should after escheat to the crown, especially if upon the making the new grant or grants of confirmation

the former grants were not surrendered, their old Quit Rents are and ought to be paid, and the Grants of reduction will be void.

As to the 2d Query, I am of opinion if from the time of the reservation of Quit Rents, such as should after be established by the laws of New York, no Act of assembly hath been passed for establishing what such Quit Rents should be, nor any Declaration of the Govern^{t} for ascertaining the same, and in y^{e} other case where the rents are reserved to be such as should be established by the Duke of York, his heirs or successors no such establishment hath been made by him, his heirs or successors the rents of 2^{s} 6^{d} for every 100 acres established by her present Majesty's instructions are the rents that are to be paid upon those grants, And if the reservations in the patent are to be paid annually from the dates of the grants, Her Majesty if she shall be so pleased may insist upon the Arrears of rent, from the times of such Grants, but if the words of reservation are as loose as stated in the case, I am of opinion, the Quit Rents will be only to be paid, from the time they were establish'd by such her Majesty's declaration, and I cannot think it would be amiss if an act of Assembly were past for establishing this matter

May 5th 1713. EDW: NORTHEY.

Governor Hunter's Address to the Grand Jury of New-York.

[New-York Colonial MSS. Albany. LVIII.]

Gentlemen

I Judge it necessary to acquaint yow that I have been Inform'd of several seditious Insinuations and discourses of late Industriously and avowedly propagated in and about this City to the apparent danger of the Publick peace and Her Mâ^{tys} Government, Tho' the Authors be Men otherways contemptible, Yet the tendency and consequence of them is such as deserves all our attention and Care. What I have to Recommend to yow is that yow In your station would take such measures as may effectually discourage and suppresse the same In time, Least whilst her Mât^{y} is upon the point of Giveing a lasting peace To Europe, Her Dominions in America should be disturb'd by the Humour of a factious and unreasonably discontented party. And as for my part I promise yow that I shall Exert and Employ all the power and Authority with which I am cloath'd toward the Asserting and defending Her Mâtys Rights and Prerogative, The Publick peace, the Laws, and the Just Priviledges of all Her Subjects Here. Farewell

From fort Anne this p'nt 5 of May 1713

(Endorsed)

To the Grand Jury for the Citty and County of New York

or

To the Gentlemen Impannelled to Serve her Majty as Grand Jurors for the Citty & County of New: Y: at the Court of Quarter Sessions now holden in the said Citty

Governor Hunter to Secretary Popple.

[New-York Entries, J., 115.]

To W^m^ Popple Esq: Secretary to the Right Hon^ble^ the Lords Commiss^rs^ for Trade & Plantations.

Sir

A. He has not heard from the Board a long time.

Tho' I have not had the honour of a letter from their Lordships of a long time, I have heard from other hands with much pleasure that I am not out of their thoughts, and when important affairs are dispatched I cannot doubt but that their just representations will have their due weight and effect.

B. He acquainted their Lordships with his dissolving the Assembly & the little hopes of a better Election, which proves as he apprehended.

I acquainted their Lordships lately by the Hector and shoreham, that I had dissolved the old and called a new Assembly, and gave my reasons for so doing, with the little hopes I had from a New Election, I am not dissapointed for all the avow'd opposers of her Majesty's interest are chosen again and avowedly for that end, for men of the best sence and figure have been rejected for the bare supposition that they would be for supporting the Government. this Assembly which is to meet on the 12^th^ instant, will be of a short duration in all probability, for having nothing in expectation from them, but affronts to Authority and disrespect to her Majesty, I shall conclude it necessary to prevent the ill effects of their frenzey by a speedy dissolution, after that you most expected to hear of a general alteration in the Commiss^rs^ of peace and militia, that ill men may no longer use her Majesty's authority against her.

The Assembly must probably be of short duration.

Affronts to Authority expected from them.

He will afterwards alter the Commissions of the peace and Milita.

C. He endeavours to keep the Palatines hoping they'l be again Imploy'd.

I use all means imaginable to keep the Palatines together, in hopes that they may be again employed in the manner Her Majesty's has given in instructions to me, but many are gone of their own heads to settle at Scoharee and the frontiers.

some removed.

D. Disturbances from some of the Clergy of Pennsylvania opposed by others of New York &c.

Some few Clergymen in Pensylvania have thought fit to disturbe the peace of the Jerseys as much in them lyes but the Clergy, are upon the point of meeting to do themselves and me justice.

E. Printed papers inclosed upon his strugle with the Assembly.

Herewith you'l receive two printed papers which will refresh your memory as to the true State of my Strugles with the assembly here.

F. He proposed an Augmentation of forces; the Gov^t^ too weak, tho' he'll not part with Her Majesty's Rights.

I wrote once for an augmentation of the forces here, I am bound by duty to acquaint their Lordships, that I humbly conceive that the Government here, is too weak, however they may depend upon this, that I shall not part with any of her Majesty's Rights and prerogatives (or depart from her Interest) but with myself.

I have received from one Thomas, master of a Merchant ship, the Carriages & stores that I wrote for: but no letter or advice from the ordnance; pardon the trouble of the inclosed, and believe me to be, with much Gratitude and sincerity,

Sir,

Your most obliged
Humble Servant,
Rob: Hunter.

New York
May y^e^ 11^th^ 1713

Governor Hunter to the Lords of Trade.

[New-York Entries, J., 124.]

To the Right Hon^ble^ the Lords Commiss^rs^ for Trade & Plantations

My Lords

By this Ship (the Dove) I send your Lords^ps^ a copy of what I wrote to M^r^ Popple by a sloop bound for Bristol with the papers therein mentioned mark'd (A) My speech to the present assembly marked B. the proceedings in the supream Court with relation to the Queen's Right to the Royal fish marked (C) other proceedings relating to an Escheat to her Majesty marked (D) and the state of the dispute about Quit Rents and Queries upon that, marked (E) By the first two, Your Lordships will be convinced that we can entertain no hopes of support for he Maj^ty's^ Government here, and by the other three, that endeavours are used to wrest her undoubted right from her.

The assembly are sitting but as yet have done nothing but sent me up the few resolves of their own of the old stamp, so that in all probability this will prove a short session.

It is my duty to represent these matters, what credit my representations may have, is called in question here, but I have had no reason to believe that they have not had their due weight with your Lordships, whatever may betide me, I shall behave myself like an honest man; a faitful subject, and

My Lords,

Your Lordships'

Most humble and

most Obedient Servant,

ROB: HUNTER.

New York
June 11. 1713.

I believe, Your Lordships will think it necessary to consult the Attorney Gen^l^ as to the questions stated with relation to the Quit Rents. As also the Escheats, and whale fishing.

Governor Hunter to the Lords of Trade.

[New-York Entries, J., 128.]

To the Right Hon^ble^ the Lords Commiss^rs^ for Trade & Plantations.

My Lords

A. He acknowledges the Boards letter of the 12th of June 1713. thinks his pressures are remediless. but makes no doubt of their Lordships endeavours for his relief.

This comes by the enterprize, I have not had the honour of any from your Lordship's since that of the 12^th^ of June 1712, which makes me conclude that my pressures are remediless, have had hitherto too solid proofs of Your Lords^ps^ Compassion, to doubt your endeavours for my relief; I shall not now add to your concern by a recapitulation but proceed to what has since occurred.

B. He refers to the Assembly's Journal for his speech to them. reasons for a likelyhood that they would support the Goverment.

Having spoke to the New Assembly in the manner you'll find in their Journal marked (A) their fears of the promissed remedy at home, and their apprehension of a speedy dissolution suggested to them the necessity of an appearing willingness to support the Government in the manner it was expected they should, and some resolves in their grand Commites sounding so, made it necessary to continue their Session, the Act for support of Government marked (B) will best inform your Lordships of the result, for their they lodge in her Majesty's receiver's hands, a sum that of their own Scanty allowance of £2800, and the Govern[t] is to have recourse to their Treasurer for the remainder, and this too but for one year, so that whoever has the misfortune to be concerned in their Government the ensuing year, will be laid under an unavoudable necessity of teizing your Lordships a I have done.

He refers to an Act for that purpose marked B. made but for one year.

C. Two other acts sent, marked (C & D)

The other two Acts marked (C & D) require no comment.

D. Several other bills ready for his Assent.

That house had passed several other Bills, some of which have also passed the Council, but their harvest coming on, and all of them being desirous of a recess, I thought fit to delay my assent untill they meet again, being now adjourned to the first of October next.

reasons for adjourning the assembly to the first of October.

E. The excise appropt'd for twenty years. reasons why he will not pass the bill for that purpose, without another to regulate that affair.

Amongst these there is an act for appropriating the excise to the payment of the public debts for 20 years, but those debts not being as yet ascertained, by an Act or any method of payment fix'd shall not assent to the one without the other, least I should pass an act for lodging considerable sums in the hands of a Country Treasurer for purposes which I am a stranger to, and may hereafter apply'd to worse uses than any body dreams of at present.

F. He urges again the necessitye of changing the Council in the Jersey's.

I have often told your Lordships that it is in vain to attempt any thing in the Jerseys, until the Council be alter'd, I know that your Lordships are of the same opinion, and I do again affirm that you must charge the Council, or change the people, for changing the Governor will not do.

G. The Palatines remain on the land laid out for them, and subsist themselves

The Palatines (asking your Lordships pardon for mentioning them) who remain upon the lands on which I planted them, have been by the blessing of God & their own labours able to subsist themselves, those who run to Scohare have been obliged to the charity of the Province to save them from starving the trees will be ready for the manufacture after this fall, but nothing can be done here for nothing.

have trees ready for Manufacturing, but want encouragement.

H. He reminds their Lordships about the disputes of Quit Rents & Whalefishing & of an act for settlement and Assuring of lands not yet approved. reason why it should be considered.

I have formerly informed your Lordships of the disputes about the Quit Rents, and Whalefishing, I think it now necessary to put your Lordships in mind of an Act pass'd here in November in the Ninth year of Her Majesty's Reign entituled an act for the better settlement and assuring of lands, which was intended to gain over the people to the interest of Government, and has not as yet obtained her Majesty's approbation, your Lordships are the best Judges whether or no their behaviour has deserved that, all claims are barred by that Act the first of September next ensuing, so it is high time to think of it.

J. He has served faithfully and fears no Scrutiny.

My Lords, I have done my best in my station and apprehend no scrutiny on earth, god, who knows my heart will acquaint[1] me elsewhere; I have served faithfully, suffered patiently, and shall resign chearfully whenever it shall be her Majesty's Pleasure, I should do so; I have spent the better part of my life in her service, and for that am

[1] acquit? — Ed.

ready to sacrifice the poor remainder but whatever befal me I am with the deepest sence of Gratitude and duty,

My Lords

Your Lordships

most humble and

most Obedient Servant

New York
July 18th 1713.

Rob: Hunter.

K. A private Act sent.

I send your Lordships likewise a private Act which needs no remark.

P. S. He has recd from New England the orders for the changes in the Council of the Jersies, and pardon of the Condemned Negroes at New York which will encourage him to struggle under other difficulties it having dissipated notions that had discouraged his friends.

Since the writing of what is above, the post from New England has brought me her Majesty's Letters for the changes in the council of the Jersies, and the pardon of the Condemned Negroes here, which will enable me to struggle chearfully with all other difficulties, for indeed the motion that a faction here, had spread, that I was disregarded at home, and consequently speedily to be recall'd had gained so much credit, that the friends of the government cooled whilst the others triumphed, your Lordships shall never have reason from, any act of mine to repent or be ashamed of your generous patronage to,

My Lords

Your Lordships

most faithfull and

most humble Servant

Rob: Hunter.

Lords of Trade to Governor Hunter.

[New-York Entries, J., 121.]

To Coll: Hunter

Sir,

Since our letter to you of the 23d of April last (a duplicate whereof is here inclosed) we have seen yours to our Secry of the 11th of May, and are very much surprized to find the Assembly of New York persist so long in their undutifulness to Her Majesty after what we have so often writ you upon that subject.

We acquainted you in our aforesd letter with what we had done upon that matter, Her Majesty approved the draught of the bill, and directed us to lay the same before Parliament, but the Parliament rising so soon after it was impossible to prosecute it this sessions to effect, however you may be assured that now we have Her Majesty's Cômands as aforesaid, we shall not fail at ye begining of the next Parliament, to take all the care possible that Her Majesty's Cômands for the future be no more slighted by a people who owe their whole protection to Her Majesty's goodness.

Your endeavours and resolutions to support & maintain Her Majesty's rights and prerogative, are very commendable but as to the augmentation of the forces you desire, we cannot at present make you any answer thereto.

We sent to Mr Attorny Generall, for his opinion upon the two queries you made us in your letter of the 14th of March last, relating to Grants of lands and quit Rents to be reserved at New York, and now inclose to you his opinion thereupon, which will be a guide to you in all future occasions. So we bid you heartily farewell, and are

Your most loving friends
and humble Servants,

Whitehall
July 20th 1713.

Guilford. Phil: Meadows
Francis Gwyn Tho: Foley.

Secretary Popple to Attorney-General Northey.

[New-York Entries, J., 123.]

To Mr Attorny General.

Sir,

Letter to Mr Attor: General with a state of the Quit Rents at New York, & copies of proceedings relating to the whale fishery & an escheat upon the death of Jos: Baker, for his opinion thereupon.

Since your report upon Colonel Hunters Queries relating to Quit Rents at New York, their Lordships have received from him a state of Her Majesty's Quit Rents there, which being more particular than what you have given your opinion upon; they have commanded me to send you the inclosed Copy thereof, as also copies of proceedings at New York relating to the whale fishery, and to an escheat upon the death of Jos: Baker; and because Col: Hunter in his letter apprehends Her Majesty's prerogative is very much concerned in these matters, their Lordships desire you will please forthwith to let them have your opinion upon the said three inclosed papers, that they may have an opportunit of representing to Her Majesty, or writing to Col: Hunter, as ye case shall require, before the go down into ye Country to their elections. I am,

Sir,

Whitehall
July 27. 1713.

Your most humble Servant.
Wm Popple

Gov. Hunter's State of the Quit Rents, with the Attorney-General's Opinion thereon.

[New-York Papers, Aa., 138.]

The State of Her Majestys Quitt Rents for Land &c in the Province of New York & in America

Richard Nicolls Esqre the first English Governor under his Royall Highness James Duke of York Proprietor of the said Province arrived to his Government anno Dmni: 1664 Most of the Inhabitants made application to him for Patents for their Lands & Inheritances The

Patents which he granted to them were in his own name as Lieut^{t} Governour under His Royall Highness and sealed with his private Coat of Arms, generally the Redendums runs in the words following or to that purpose..YIELDING rendring and paying therefore such duties and Acknowledgements as now are or hereafter shall be established & agreed upon &c

FRANCIS LOVELACE Esq^{re} did succeed this Gent in the Government under His said Royall Highness about Anno 1668 and pursued the same method of Granting Patents under his own private Seale at Arms and without expressing y^{e} annual Quitt Rent Especially at the beginning of his Governm^{t}.

S^{r} EDMOND ANDROS did succeed to this Gent about 1673 who did grant Patents in his own name but had a Provincial seal of the Duke of York and renewed many of the former Patents having agreed for the yearly Quitt Rent which is expressed in allmost all his Patents

Coll THOMAS DONGAN succeeded him anno 1683, used the same stile Granting abundance of Patents and in all of them made express mention of the annual Quitt Rent said to be in lieu and Stead of all other Rents, Services, & Demandes whatsoever

Upon the Demise of King Charles y^{e} 2^{d} King James sent over to Coll Dongan a New Commission in y^{e} Royall Stile with a double Seal such as is now used for this Province notwithstanding which Governor Dongan continued to grant Patents there after in his own name and former manner under the single Ducal Seal as perticularly y^{e} Charter of the City of New York and many other Patents

S^{r} EDMUND ANDROS did succeed him by a General Commission which he brought over Anno 1687 to the Massachusetts in New England for y^{e} Government of all y^{e} English Dominions from Nova Scotia to y^{e} river Delaware, which soon after was superseeded by the Revolution the year following in which time a few Patents for land were granted untill the years 1691.

Anô. 1691 When HENRY SLOUGHTER Esq^{re} with a commission under the great Seale of England for y^{e} Government of y^{e} Province of New York did arrive and since that time all our succeeding Governors have used the royall Stile in all Grants under the great Seale of the Province many Patents of Confirmation have passed for Lands granted by former Governors and many grants of New Lands in so much that little Land that lyes neare the Rivers and

July 20 1708. of much conveniency was left unpatented when Her Majesties directions came over to his Excellency John Lord Lovelace Baron of Hurly Capt^{n} Gen^{ll} & Governor in Cheif of this Province for regulating of Grants of Land for y^{e} future with directions about the Quitt Rent to be thereafter reserved and sundry other Limitations which are now punctually observed

Many of the Quitt Rents are in arrear from the very beginning & of late almost an universal remissness & neglect in the Freeholders from paying the same throughout the whole Province to the great prejudice of Her Maty^{s} service

Severall attempts have been made to form a Rent Roll which never yet has been brought to any p^{r}fection partly hapning from the neglects imperfections & omissions in the infancy & first settleing of the Government & and the length and continuance of that disorder

Her Majesty's Receivers Generall some of them have been at great paines to form a Rent Roll from the Books of the Records of Patents in the Secretaries office but to very little purpose being thereby neither able to make discovery of the quantity of the Soil granted, who are the present Tennants, nor how much Rents are in arrears and payable, the first Patentees are mostly dead some have conveyed to others, part, & some the whole of their Lands, some by deeds of Gift and Devises have parted them amongst their Children and relations, some have

two, three Patents from severall Governours for the same Land and in Renewing their Patents have gotten their Quitt Rents to be diminished some in the same Patents have the confirmation of their formerly Patented Lands with y^e^ Grant of New Lands added therein—And the inhabitants takeing advantage of the aforesaid omissions neglects & imperfections and the lenity @ forbearance which has been used to them endeavour to conceale neglect & refuse to pay the arrearages

So that it was lately thought adviseable to exhibit short Bills into Chancery against a few (in order to awaken the rest to their duty) for the discovery & recovery of their arrearages due to y^e^ Queene, in which Bills y^e^ Commissioner for executing y^e^ office of Attorney Generall to prevent any Demurr, has entred a Disclaimer of any further or other use to be made of a plaine true perfect and distinct answer upon oath to such Bill against the Defendants then for y^e^ Discovery and Recovery of Her Majesties quitt Rents and y^e^ arrearages due which is likely to have a very good effect. And that which some of the Defendants doe complaine of as a hardship is to be called upon for Quitt Rents for their Lands from the date of Richard Nicolls' Patents to their next Patents which expressly mention what that annual Quitt Rent shall be alltho' they have had and enjoyed the profitt of the lands in those years

The Assembly of this Province about twelve or thirteen years agoe were got into the humour of breaking some few extravagant Grants by Act of Assembly which the Queen has been pleased to confirm and approve, and there are many more Grants have been granted since that time of larger Tracts of Land but before Her Majesty's said Instruction to the Lord Lovelace was made known or heard of which large Tracts lye unimproved

1 *Q^y^*. Where a Patent Runs in this form, after y^e^ Habendum, yielding & payeing such Duties and acknowledgments as hereafter shall be established, & the Patent 18 or 20 Years thereafter be confirmed by another expressing a yearly Quitt Rent to be reserved, of one Bushell of wheat, whether for those 18 or 20 years that Bushell becomes due yearly and payable by y^e^ words of the former Patent

2^d^ *Q^y^*. Whether a Reddendum in this form—Yielding rendring & paying y^e^ same yearly and every year for ever one bushell of good & merchantable Winter Wheat (in lieu and stead of all other Rents, Services Dues, duties, and demands whatsoever) being a Patent of confirmation be or amount to a release of all arrearages of Quit Rent due before the date of that Confirmation or of other services dues and demands than what is particularly mentioned and expressed with regard to y^e^ time past or to come

3. Whether the Writ of cessavit per biennium be still of force and may be used in the Plantations, and be not applicable to such Patentees who have large Tracts of Land uncultivated and unimproved where there is neither Tennant in possession nor chattels whereby to distreyne for y^e^ Queens rent & whether it be needful the Cesser be found by a Jury of Inquiry before judgement can be given thereupon

To y^e^ first Query. I am of opinion the second Patent confirming the Grant & reserving a Quit Rent is to be taken, the Quit Rent by the first Grant & therefore that must be accounted for from the first grant the land being charged with it

To y^e^ 2^d^ Query. I am of opinion this will be the same as the other & will ascertain the Quitt Rent, but not discharge the arrears, and the words, in Lieu of all other Quit Rents &^c^ import no more, than the Lands are to be holden under that rent & under no other rent Service &c & therefore no other duties &c but that Quit Rent & the arrears thereof can be demanded for those lands

To y^r 3^rd Query. I am of Opinion — The writ of Cessavit is only where a tenure is created by y^e Grant in Fee Farm, which could not be by the Grants before K James 2^d came to the Crown, he being a subject, but where there is a tenure as by y^e Grants of y^e Crown (the Crown not being within the Statute of "Quia emptores Terrarum) the writ of cessavit lies however the Statutes of Westm^r 2^d & Gloucester which gave the writs of Cessavit not having been put in practice on the settling that Colony nor enacted there since I am of opinion those Laws are not y^e Laws of that Colony

July 30^th 1713. EDW^d NORTHEY

Governor Hunter to Secretary Popple.

[New-York Entries, J., 274.]

To W^m Popple Esq^r

Sir

I shall not trouble their Lords^ps with much by this doubtful Conveyance, (the Drake) only begg you'l inform them, that I believe there was an omission in the Pardon of the Negroes, for besides the three which Her Majesty has been pleased to pardon there were other two Vizt: Tom a negroe belonging to Rip Van Dam Esq: and Coffee a negro, belonging to M^r Walton, who were recommended by the Bench itself as proper objects of Mercey, there being no manner of convincing evidence against them, and nothing but the blind fury of a people much provoked could have condemned them, they lye still in Prison, In mine of the 23^d of June 1712, I gave their Lordships an account of their case, and the inducements to mercy, so I humbly intreat their Lordships wou'd please to recommend them to't, there is likewise a Negro woman who was indeed privy to the conspiracy but pleading her belly, was reprieved, she is since delivered, but in a woful condition ever since, and I think has suffer'd more than death by her long imprisonment, if their Lords^ps think fit to include her, I should be pleased, for there has been much blood shed already on that account, I'm afraid too much, and the people are now easy.

The five nations are hardly to be diswaded from sheltering the Tuscaruro Indians, which would embroil us all, I have sent some men of note with them to diswade them, but I am not able to furnish out of my own pocket the presents they expect upon all such occasions, and there is no fund for it here.

By a Ship (the Hunter's prize, formerly the sweepstakes) bound for England in ten days, I shall write more fully to their Lordships, our Assembly here meet the first of October, to as little purpose, I believe as formerly, that in the Jersey's y^e 2^d of Nov^r which will do their duties, I make no doubt, notwithstand^g the impotent efforts of an arrogant party, I am with great respect,

Sir

Your most obliged

humble Servant

ROB: HUNTER

New York

10 Sept^r 1713.

I have received their Lordships Letter of the 8 of May last inclosing the Proclamation for publishing y^e peace, by way of Virginia, which was accordingly published here with the usual solemnities on the 18 of Aug: last.

Conference with the Five Nations at Onondaga.

[New-York Colonial MSS. Albany. LVIII.]

[TRANSLATED FROM THE DUTCH.]

Journal of a Mission to Onondaga, undertaken by Hend: Hansen, assisted by Capt. John Bleker and Lowrens Clasen, pursuant to the order of his Excell^{cy} Robert Hunter Esq.

1713. September 10th. We took our departure from Albany; came direct to Schinhechtade; de Cannasora, Chief Sachem of Onondaga, met us there, just on the hill, who sat down with and spoke to us. Having heard on the road of our coming, which he learned from the seven fathom of Wampum sent to each Nation to inform them of our visit, he said he had met the message at Canadsiohare, that it was stopped there, as there were no funds to forward it, but that he had sent it on by one of his men who had accompanied him, so that he was now certain it was transmitted. Said further, that had he met us in the Mohawk country, he should have immediately turned back with us; but having come now so far, and being so near the City of Albany, he would continue, and requested us to wait for him, as he should sleep only one night there, and then instantly return to accompany us; this we agreed to, and he joined us in the evening of that very next day, according to his promise.

11th. Whilst waiting for de Canosore, Jan patist van Eps came to us and said, Friend I am in conscience bound to tell you what I am warned of by Indians, naming among others Wahawe for one, who told him that should an embassy be sent from this government to Onondaga, not to go, for if any one went, care would be taken that he should not bring any thing back from there. We answered, Patist, 'tis well you told us this; but it shall not divert us from prosecuting our journey, and with God's help we will obey our orders to go thither.

12th. Departed with him in the morning from Schenhechtade; he had also with him his wife and some (namely, two) Cayuga lads; and came that day to Fort Hunter, in the Mohawk country, where we inquired of the Sachems if Indians, who were appointed, were ready to set out with us the next morning; who said, Yes, there is Sander for one, and Tanigwanega for another.

13th. We set out from thence, but when starting found that one of the Mohawks who had been appointed, backed out; he said he was not well, but we found on the contrary that he was afraid; and we came that day to Canadsiohare, where we likewise inquired of the Sachems what Indians were appointed to accompany us, as they should be ready at daylight next morning to start with us. They said that Tarraghioris and Onogradicha should go with us in the morning when we should leave.

14th. Onogradicha was unwilling to go; he said he was sick, but we could not see it, whereupon another named Teadoius was appointed in his place, who with Taraghionis accompanied us. When we were between the Mohawk country and Oneida, we found de Canisora and our Mohawk guides very anxious and fearful what our message from his Excellency might be. First, then, came de Canosora, and privately inquired and said—Brothers, we have have now been so long on the road, and you have not given me the least information respecting your message; I am troubled about it, lest it may be unwelcome news; tell me a little, or if you will not tell me all, give me some hint ere you reach Onondaga. We then gave him some partial information, which made him more contented than before; he then told us, there is very

bad news in our Castle, which is confirmed from two quarters; one, with a belt of wampum, from the South, that the English have resolved to kill and destroy all who had Black Pates, meaning thereby all the Nations of Indians[1] the same was confirmed from Canada; but he said he had made bold to go, himself, the same as last year, to Albany, to see and inquire about it; whereupon I told him what bad news I also had heard from Jan patist van Eps, when I was recently at Schinnechtade—what evil design the Onondaga had, should his Excellency send any messages there, but that I took no notice of it; I told him it could not induce me to stop; on the contrary, my opinion of the Five Nations is, that when I am with them I will not feel more secure in any stone fort built by the hands of man, than when among them—which greatly pleased him; since that time I found him more resolute and satisfied than before.

On the following evening, when we had taken up our quarters, our Mohawks came to us and requested to know something of our news, whether it would be unwelcome, being, as they said, troubled. We told them that they need not be troubled; the news we had was good; we would say no more to them, and when they came to Onondaga they would hear that it was so. For were more told them, we were afraid they would turn back.

18th. We came to Oneida, where we were treated in a friendly manner. The Sachems who were at home said, they had been appointed, ten days ago, to assist at our meeting, but they should send two more of their principal Sachems with us; they also said in that Castle, that we should be careful not to give the Onondagas much drink to get drunk on; were anxious that no mischief should arise therefrom, and we proceeded forward that selfsame day.

19th. Towards evening we reached Onondaga; de Canosore had preceded us when we had got within about eight miles of that place; when within half an English mile of the Castle we were met by about one hundred and fifty Indians, old and young, who afterwards surrounded us and set up a wild shrieking and uproar; after having been ordered by our people to remain still, they desisted from further noise, and the Sachems there present made us a very friendly Address, and said—

Brother Corlaer, we are rejoiced to see you here in health; that you have not met any accident on the road, nor broken any legs or arms, nor encountered any robbers by the way, nor been drowned in any kill or river, and escaped all other troubles and misfortunes that by accident might overtake you. We very heartily thanked them, and they, and the entire assemblage which had come out to meet us, then brought us to the Castle, to a house that they had expressly cleaned for us, which we found a very comfortable lodging, where we were entirely free from any drunken Indians.

20th. The Sachems came all together by order of the Five Nations, and spoke with three strings of Wampum in their loftiest style, and said—Brother Corlaer, we welcome you here in Onondaga, in our country, and we hope to hear you speak with a pure and undefiled heart, as his Excellency hath ordered you to speak to us; should any thing be objected against us beyond our comprehension, we shall notwithstanding do our best to refute it as far as lies in our power.

Thereupon we answered with 3 strings of Wampum, and said, we were glad, and thanked them for their friendly reception, and I said, they must not think that they were listening to me but to his Excellency, whose servant I was, and to whom I should report, and

[1] "The Upper Nations had rec'd a Belt of Wampum 2 hands Broad and 2 Large Bunches from Conestogoe, yt our Govr had design to cut off ye Five Nations." Lieut. Huddy's letter to Col. Mathew, dated Fort Hunter, 1st August, 1713, in *New-York Colonial Manuscripts*, LVIII.—Ed.

assured them I should not say any thing but what I was instructed by his order. I then thanked them in his Excellency's name, for which they returned thanks and left our house.

About two o'clock in the afternoon of the 20th, the Sachems, being assembled, requested that we should be pleased to communicate what his Excellency had given us in charge.

We then demanded if the entire body of the Five Nations were assembled; they said, Yes. Whereupon we resolved and went with the Messengers who had been sent for us, and came to the house in which they were met, and spoke as follows:—

I. Brothers, Five Nations here assembled—His Excellency hath sent me hither to admonish and notify you of that ancient and inviolable Covenant chain, preserved unbroken between us, and to keep its links free from rust, so that we may trade and barter in peace and quietness, and provided you act as you have heretofore done, his Excellency will always protect you, and be assured it will be always kept unbroken on his part; And thereupon laid down 5 belts of Wampum, to wit, one belt for each Nation.

II. Brothers—His Excellency hath received a proclamation of peace from our Great Queen Anne, which he now sends you, to make known that it is now Peace, and he hath sent Myndert Schuyler with the same news to Canada, so that his Excellency doth thank the Brethren for their continual obedience throughout this last war; Whereupon laid down a belt of Wampum.

III. Brothers—His Excellency hath instructed me to present to you all his excuses for not having met you in person this harvest; the reason is, the Peace arrived late in the year; he thought it would be very inconvenient to the brethren, as the Hunting Season is approaching; he himself also had two Assembly meetings to attend, so that he expects to meet you as soon as circumstances will permit, at which time I think that he intends to take the hatchet out of your hands; And for that laid down 3 strings of Wampum.

IV. Brothers, Five Nations all here assembled—His Excellency hath instructed me to tell you not to render any sort of assistance to the enemies of her Majesty, or of any of her subjects, either in person or with powder, lead or otherwise, nor afford them the least protection, nor molest any of her friends, for in such case you would find at last that it would turn out very troublesome for the brethren; And thereupon laid down one Belt.

V. Brothers—His Excellency is informed that the Governor of Canada is at war with his own Indians, and intends to put the hatchet into your hands to help him to fight against them; wherefore his Excellency sends you word not to accept it, no matter against whom you may be requested to fight, unless his Excellency first give you communication thereof, for I can assure you that it is his Excellency's greatest study to keep you at peace with all nations, so that you may live in quietness, and grow strong and become a great people, for whenever you go to war you waste and diminish your people, of which you have already had proofs; And thereupon laid down a belt of Wampum.

VI. Brothers—I am instructed by his Excellency to say, should any strange nations desire to pass through here to come and trade with us, that you shall not hinder them, but afford them every encouragement, and let them pass in peace; you must not think that this can injure you, for the more trade comes into our country the more are the traders encouraged to get goods from England; And thereupon laid down 3 strings of Wampum.

21st. In answer to the address made yesterday by his Excellency's order, the Five Nations spoke as follows. De Canasora Speaker.

1. Brother Corlear, meaning his Excellency Robert Hunter Esq^{r} our Governor—It affords us great pleasure and satisfaction to hear you say that you have come here to renew the ancient and inviolable Covenant chain, and we right cordially thank our brother Corlaer therefor; but we hope it is not the expression merely of the lips, but that it is the intention of the heart, and we promise on our parts that it shall be preserved inviolable; and again repeated, Be it so; And thereupon laid down 2 beavers, 2 Wampum Belts and three strings of Wampum.

2. Brother Corlear—You have brought us here news of peace, which makes us glad; we hope it will last long; also that Myndert Schuyler has been sent to Canada with like news, and that our warriors and people are thanked for their obedience; we are glad to hear that our brother is contented with us. 'Tis true we have been always ready at his orders, and we promise always to continue so to be whenever required; And thereupon laid down 3 strings of Wampum.

3. Brother Corlaer—You have excused yourself for not being able personally to speak to us, in consequence of the late arrival of the news of peace, and as it would be inconvenient for our hunting, and you must attend to two Assemblies, and that it is your intention to meet us as soon as possible, when we expect the hatchet will be taken out of our hands in the same manner that it was delivered to us; And thereupon laid down 3 strings of Wampum.

4. Brother Corlaer—You have requested and bade us not to afford assistance nor protection to any of the enemies of her Majesty or of her Majesty's subjects, nor to offer any molestation to any of her Majesty's friends. We undertake and promise not to do so, nor to allow any of ours to do so, neither at the South nor anywhere else, be it where it may; And thereupon laid down one Belt.

5. Brother Corlaer—You told us that you have been informed that the French Governor is at war with his own Indians, and that possibly he may intend to place the hatchet in our hands for the purpose of fighting along with him. But we assure you, Brother, should such an invitation come to us, that we will not accept it, but adhere to his Excellency's good advice and orders communicated to us yesterday; And thereupon laid down an Elk skin.

6. Brother Corlaer—You likewise requested us not to hinder any nations of Indians who would pass through our country to trade with you. We now assure you that we shall not in any wise hinder them, but promise to afford them every possible encouragement, and assist them forward; And thereupon laid down 3 strings of Wampum.

Shortly after the termination of our propositions they invited us, and said—Brothers, four Indians are here from the South with some Belts. We request our Brother Corlaer to attend the meeting where they are to state the object of their mission, and we shall immediately order them to speak, which they did. The meeting being now complete, they were ordered to speak, which they accordingly did as follows:—

Brothers, Five Nations—I come here to tell you that we consent to what you have for two years requested of us—meaning that whenever the Five Nations may have need of them, they should be always ready at their orders. They said further, that the path between them and the Five Nations would remain clear and open for a free passage between both nations.

They also condoled the death of the departed, and said that they were under the command of the Five Nations and dwelt on their land, and were their subjects, and that wherever they should please to tell them to go and reside, there would they make their dwelling.

With this above written Relation they gave twenty large Belts and twice 3 strings of Wampum. These Indians inhabit about the Siaerdsies, away off (*de wegh uyt*) towards Merrielant.

22d. When we were about to return, the Sachems showed us a belt of Wampum which was sent them from the South of Carolina. It was to signify to them that this Belt brought news that our brother Corlaer designed to destroy all that were Indians, and to make this known, they laid down a skin, and said they cannot believe this.

Whereupon the Five Nations were answered as follows:

Brothers — The news you have now communicated to us is, we say, esteemed Devil's news, not men's; for the Devil is the father of all lies, and whenever he perceives the brethren living in friendly alliance, he is always busy sowing his bad seed between them; but we tell you not to believe a particle of it, for we know and are sure that the man who brought such news dare not show his face to us, and therefore, in order not to believe such stories, bury them as a lie under the ground, where no one will think any more of them; And thereupon laid down a Belt, which afforded them great satisfaction.

When we ceased, then de Canasora, in full meeting of not only the Sachems but of all the Inhabitants &c assembled at Onondaga, said:—

Brother Corlaer says that the Queen's subjects towards the South are now at war with the tusCarorase Indians. These Indians went out heretofore from us, and have settled themselves there; now they have got into war, and are dispersed and have abandoned their Castles. But have compassion on them. The English have got the upper hand of them; they have abandoned their Castles and are scattered hither and thither; let that suffice; and we request our Brother Corlaer to act as mediator between the English of Carrelyna and the tuskaroras, that they may be no longer hunted down, and we assure that we will oblige them not to do the English any more harm; for they are no longer a Nation with a name, being once dispersed. We then said, his Excellency should communicate this; and proceeded to mount our horses and took our leave of them in presence of the entire Castle. When we were about thirty paces off, they gave three hurrahs; we then halted, and turned to express thanks; they wished us luck and a safe journey and we rode forth.

We the undersigned Certify this to be a true version of what passed before us.

HEN: HANSEN
JOHANNES BLEECKER
LOWRENS CLASE.

Secretary Popple to Governor Hunter.

[New-York Entries, J., 134.]

To Col Hunter

Sir,

The Lords Commissioner for trade and Plantations have received your letter of the 18th July 1713, which they have read.

I have also received yours to me of the 10th of Septr last; the great Hurry of Business their Lordships have had since the peace (and which is not yet over) renders it impossible for them to answer your said letters by this conveyance; they intend to do it therefore by the first opportunity. I will not fail to lay before them the several particulars you write me, and I doubt not but they will represent the same as you desire to her Majesty.

I hope, the bill to settle the Revenue at New York, will pass this session, whereby you will be made more easy, and that people more sensible of their duty to her Majesty, It was ordered to be done the last year but there was not then time for it, I am

Sir,

Your most Obedient &
most humble Servant
Wm Popple

Whitehall
Janry 14. $17\frac{13}{14}$.

Governor Hunter to Secretary Popple.

[New-York Entries, J., 276.]

To Wm Popple Esqre

Sir,

The Queen's ship Sarlings, being expected here every hour, and to sail with all expedition for England, I shall not by this Conveyance give their Lordships any trouble, but General hints to you.

A. The Assembly of the Jersey's have paid their arrears and settled the support of Government for 2 years forward.

The Assembly in the Jersey's paid the arrear due to the Government there, and settled the support of the Government for two years foward I might have had it for a much longer time, but for a report sent from England to our Malecontents, & by them industriously propagated, that the Lord Slane was immediately to relieve me, which had such influence on the majority, that if I would not resolve to take it with a limitation to the time of may administration, I could obtain it in no other manner, than that mentioned, however there was a perfect harmony amongst the several parts of the Legislature which I make no doubt, will continue notwithstanding the unwearied efforts of the Enemies of their peace. the bill for ascertaining the property (so necessary) not being rightly understood, wou'd not pass this Session; I do not dispair of carrying it thro' the next, I have passed 39 Acts publick and private, which not being as yet all transcribed I shal send by the Sarlings.

reason why it could not be longer continued.

Perfect Harmony amongst the Legislature.

B the bill for ascertaining the property, not passed this session, but 39 other Acts are, which shall be sent by next conveyance.

The assembly here, is busy'd in methods for discharging the publick debts, and tho' they have gone a great way, and most people beleive them in earnest, the experience I have had of them, makes me still doubtfull of the issue; my next will inform you.

C. The assembly at New York seem busied in methods for discharging publick debts, yet he has reason to doubt a good issue.

The last years lame support now expiring amounts to about 1800li, this country money, neither is there any fund that I hear of for making good the deficiency in their Treasurer's hands, what they'l do for the issuing year, God alone knows, for I am sure, they themselves do not, and the best minded amongst them give me only hopes of such another scanty sum, and uncertain method for the ensuing Year, It cannot be her Majesty's pleasure that Her Government here should remain upon this foot, I am sure it is not her interest if I thought it were I would suffer anything without complaining.

D. Amount of last years lame support.

No fund to supply deficiencies

He fears such another Scanty sum, if any will be given for the Year ensuing.

The Government remaining on this foot can neither conduce to ye Queen's pleasure or intrest.

E. He has received the Board's with the Attorney Generals opinion about Quit Rents.

I received their Lordships with the inclosed opinion of the Attorney General about the Quit Rents, by which I shall govern my self, they come in slowly, most of them resolving to stand a chancery suit.

E. apology for not sending the f.r-mentioned acts.

I humbly intreat your Lordships[1] pardon for the delays of these acts, but I cannot have them ready by this conveyance, and beg that you'l assure them in my name, of my eternal Gratitude for the honour of their patronage and hope you believe me to be without compliment,

Sir

Your most obliged humble Servant.

New York
May 7. 1714.

R. Hunter

The miscarriage of some former letters with muster Rolls, obliges me to continue to give you this trouble, which I beg you'l excuse and believe I'll repay by every thing in my power.

Governor Hunter to the Lords of Trade.

[New-York Entries, J., 279.]

To the Right Hon^ble^ the Lords Com^rs^ for Trade and Plantations.

My Lords

With this your Lordships will receive the Acts passed in the last two Sessions of Assembly in this Province, the several incidents wh^ch^ stopt the sailing of the Queen's ship the Sarlings, as occassioned the delay of those pass'd in the former session till now, a list of all which is herewith inclosed.

That entituled, an Act for laying an excise on all strong liquors retailed in this Colony is intended for the payment of the publick debts, and has relation to the Act pass'd in the house of representatives for that purpose, which is now with y^e^ Council under consideration of the committe, and I hope tho' it is a very long one (the claims and debts which are allowed just, being particularly narrated in the bill) it may be expedited before the ship sails, that I may be the better able to remark upon both, and transmit it with the other, upon which it depends, to your Lordships.

That for paying sundry sums of money to several persons therein mention'd, is for paying the Commissioners who stated the publick accounts, their Clerks and incidents.

An act to empower Dutchy County to elect a superiour,[2] a Treasurer, Assessors and Collectors, this county was formerly by reason of its small inhabitants anex'd to another by Act of Assembly but that Act being expired and the number of inhabitants encreased, it was necessary that they should have County Officers of their own.

An Act for levying and paying the several duties therein mention'd for the use of this Colony, bills of this nature have been formerly sent up by the house of representatives with clauses derogatory to her Majesty's prerogative for which reason they were not pass'd, but in this these Clauses are left out.

[1] *their* Lordships.

[2] An Act to empower Dutchess county to elect a Supervisor, &c. *Van Schaick's Laws*, 93. — Ed.

An Act for licencing Hawkers & Pedlars, the chief intent of this Act is the encouragement of the City and shop keepers and at the same time if it does not lessen the number of pedlars, oblige them to pay something towards the uses of the Government, being an unsettled vagrant sort of men who for that reason heretofore paid nothing.

An Act for collecting and paying to the county Treasurer the arrears of taxes in the county of Richmond for defraying the necessary publick charge of the said county the defects in former Acts had created a necessity of passing this, and there being likewise provision by a law for defraying the publick charges of other countries.

An Act for a supply to be granted to Her Majty for supporting the Government for the ensuing year after much difficulty the Assembly past last year an act of the same nature, laying a duty on wine, rum and european goods, imported from the Plantations, in [this] they have left out the duty on rum, which was the only branch to be rely'd on, that on wine will most assuredly bring in nothing or next to nothing this year, the Country being over stocked with wine for one whole year, so that this Government must as it as done hitherto subsist its selfe, and at the end of ye year go a beging to the assembly to make good their resolves and the deficiencies and 'tis great odds that they will do neither, if it be for her Majesty's service and interest, that her Government here should remain upon this foot, I am satisfy'd tho' by accounts and vouchers of their own stating and allowance they owe me already near to 5000li I lay my account with having rum enough imported this year to stock the country for the ensuing, and then the duties on wines to be taken off, and the support given out of a duty on rum, In the paper marked (B) your Lordships have an account of the amount of the revenue for the last year, out of which I have had barely the salary appointed me by her majesty, not all I have expended firing and candle for the Garrisons and not one farthing for all my contingent expences of Government.

An Act for the Treasurer's paying to his excellency a sum of mony for presents to the Indians, and for his expences in going to Albany, All I shall remark upon this bill is that the sum is not sufficient to purchase the presents, those Indians now expect who are grown very uneasy for want of it. they want to have the hatche[t]s taken out of their hands, as they call it, but the truth is, that they have been hitherto so accustom'd to presents from the time of their first settlement, when they were considerable, and the Province weake, that it is now grown into a sort of tribute which they most certainly expect, and the Assembly unwillingly give, so that I must either resolve to be a loser myself, or venture a disturbance on the frontiers, which cannot be for her Majesty's intrest, and have accordingly appointed the 15th of Septr for the day of meeting the five Nations as they are called, at albany, and do not doubt but to settle all matters so with them that they may be quiet and the county enjoy perfect security.

September 6th. Since the writing of what is above, the Assembly has agreed to all the amendments made by the Council to the Act for paying & discharging the publick debts, which I have pass'd & publish'd, and now with the rest transmitt to your Lordsps and most humbly and earnestly recommend it to your Lordships for your speedy inspection and approbation, in order to her Majesty's, upon which I know in a great measure that depends, had I known or could I have apprehended that there was any thing in that Act either contrary to any instructions or Her Majesty's interest, tho' I am reduced to very great necessities, I had not pass'd it; nor the other to which it has relation, But the first, I mean, that for appropriating the duty on liquors retailed toward the payment of publick debts, I cannot doubt but your Lordships will allow to be reasonable, seeing her Majesty has not thought fit to apply that fund by Act of parliament to any other use, and the duty on wine, rum and Negroes, tonnage

of Vessels and European goods imported from other plantations, will be sufficient for an honourable support to her Government here, neither is it in reality any other than an Act for support of Government, it being for payment for what is due for its past suppor[t] and publick services in it, In other Provinces the fund is lodged in the country Treasurers hands for the Country's use, so that it is no new thing. Your Lordships will observe their is due to me near 5000£ of this money, which arrises from my arrears of Salary, rebuilding and repairing the Forts and Magazines and other publick services, as appeared by the accounts stated and allowed by their own cômissaries appointed for that purpose and afterwards by themselves, so that if these bills miscarry, I shall be in a more deplorable condition than the worst of my enemies could wish me.

Your Lordships well know what I have suffered upon the account of the Palatines, not one of my bills for their subsistance being paid, whilst I stand indebted upon that score more than I shall ever be able to pay in my life, without her Majesty's gracious assistance, that people scatter themselves abroad, but generally within the two Provinces, so that if ever her Majesty is pleased to resume that design, I shall be able to gather together a number sufficient to carry on that work, the trees are now ready for Manufacturing, and I want nothing but money to employ hands to make a very considerable quantity of Tar, having had the trees tryed, which for the most part answer expectation.

I have sent by this ship to my agent M[r] Strahan, the Journals and Leidgers of that peoples subsistance attested by the oaths of the Commissaries and officers, who kept those books and accounts and I cannot doubt but your Lordships will give him your generous assistance in his endeavours for my relief, in compassion to one who suffers, if he must suffer for having strictly observed and executed her Majesty's orders.

There were some other Acts pass'd the same day with that for paying the debts, which your Lordships shall have by a ship which is to sail soon, but it was impossible to have them engrossed time enough for this conveyance they are not of any consequence I must beg leave once more to recomend my self and my hard circumstances to your Lordships Patronage, and to assure you, that I am with the deepest sence of gratitude, and all imaginable honour

My Lords

New York
Aug: 27. 1714.

Your Lordships most faithfull &[c]
Rob: Hunter.

Governor Hunter to the Lords of Trade.

[New-York Entries, J., 287.]

To the Right Hon[ble] the Lords Com[rs] for Trade and Plantations.

My Lords

This being the first vessel bound from hence to England since her Majesty's decease, I could not omit acquainting your Lordships, that tho' the express design'd for us was not arrived, yet having received by other conveyances the new of his Majestys accession to the crown with the original proclamation, I thought it my duty to proclaim his Majesty here also by the

advice of his Majesty's Council in this Province, and am this day to proceed to the Jerseys for the same purpose, the real joy of his Majesty's good subjects here, will best appear by their own homely but hearty addresses, which we humbly beg your Lordships to convey to his Royal hands, not well knowing as yet to whom besides that trouble may properly belong at present, I shall not as this time disturbe the publick joy with my private grievances but as your Lordships have been hitherto my most worthy Patrons, beg leave only to recommend my selfe again to your well experienced goodness, and to subscribe myself

My Lords

Your Lordships most humble
and most obedient Servant
Ro: Hunter

New York
Oct^{r} 18. 1714.

Governor Hunter to Secretary Popple.

[New-York Entries, J., 288.]

To W^{m} Popple Esquire.

Sir

No man has been better acquainted with my sufferings than you, so no body can better judge of my present joy, & without magnifying my self, I assure you, that the fair prospect of the publick security transports me beyond all private considerations whatsoever.

The inclosed to their Lordships, will inform you that the King has been proclaimed here with an universal transport, some awkward half huzza's there were, but few, when matters are settled you must expect more trouble, in the mean time be assured that no man on earth is more heartily than I am,

Sir

Your affectionate friend and
most humble Servant
Ro: Hunter

New York
Oct^{r} 18. 1714.

Governor Hunter to the Lords of Trade.

[New-York Entries, J., 290.]

To the Right Hon^{ble} the Lords Com^{rs} for Trade & Plantations.

My Lords

I did myself the honour to write to your Lordships on the 18th of October, of which, with this comes a duplicate, all things are quiet and easy since his Maj$^{ty's}$ accession to the crown, and I have fair hopes of a better settlement.

I must once more, earnestly recommend to your Lordships the Acts for paying the publick debts here, I cannot doubt of your Lordships recommendation for his Majesty's approbation, knowing your generous endeavours for my poor interest, that you are well apprized of my sufferings, and know how considerable my share is in that debt.

I humbly take leave to recommend to your Lordships the presenting the enclosed address of the grand Jury and Quarter Sessions of the City and County of New York to his Majesty, who has a people here in all appearance ready to sacrifice every thing to his service.

I wrote to your Lordships, that all had like to run into confusion upon our Frontiers, but I have quieted the Indians, & undeceived them, and now they seem firmer to our interests than ever, the inclosed copy of my interview with them will more amply inform you.

I must continue to recommend my poor intrest to your Lordships patronage, and assure you that I am with an unalterable sence of duty and gratitude,

My Lords

Your Lordships

Most humble & obedient

New York Servant

Nov^{r} 8. 1714. Ro: Hunter.

Conference between Governor Hunter and the Indians.

[New-York Papers, Aa., 172.]

The Sachems of the five Nations viz^{t} the Maquase, Oneydes, Onnondagues, Cayouges, & Sinnekes being convened at His Excellencys the Governors lodging in Albany the 20th September 1714

Present—His Excellency Brigadeer Robert Hunter Capt^{n} Generall & Governor in Chief

Rob^{t} Livingstone Ju^{nr} Mayor — Coll. Peter Matthews

Major Myndert Schuyler — Coll. Pet^{r} Van Brugh[1]

Dekanissore Speaker

It is Gods will that we are all mett here together in Albany on one day, for there are none wanting of the Sachims of the 5 Nations, who are all come in pursuance to your Excellencys commands we are glad to see your Excell^{cy} in health and bid you heartily welcome and as a token of our sincerity, we give, 8 Beavers, 1 Fisher & one Racoon

Brother Corlaer

Last fall there was Messengers sent to Onnondage by your Excellency to renew the Covenant Chain with a Belt of Wampum & to confer with us of matters relating to the publique welfare, which was acceptable to us & upon the conclusion of that conference we were told by M^{r} Hanse, that if we heard any stories or bad News, not to beleive it, till we were advertized thereof from y^{e} Brethren, and therefore we shall now ask a question of your Excellency relating an affair w^{ch} we have heard which if true will tend to the prejudice of the 5 Nations

[1] *Capt.* Peter Van Brugh. Minute in *New-York Colonial Manuscripts*, LIX. — Ed.

Brother Corlaer

We have heard that the Christians of this Government, Pensilvania, Virginia Maryland & the rest of the English Colonies on this Mayne of America have concluded to cut of the five nations, and this we have not received by word of mouth only but by two Belts of Wampum a short one & a long one which has caused great distraction & confusion among the five Nations, these reports gained the more creditt among us because the Powder grows dearer every day, if the Powder was cheaper we would not so readily beleive such Bad News

Brother Corlaer

Notwithstanding all these evill reports, we have ventured our lives to come hither and it is in your power to kill us if you please, but it would be a great shame if you did, because we are one flesh & Blood with you and strangers would be startled at it if they should hear it

Brother Corlaer

We cannot conceal from your excellency that 40 Sinnekes & 100 Onnondagues were gone out a fighting which upon these Rumors we have called back & beleive they may be now returned to the Sinnekes country

The Governours answer

Brethren

I rejoice to meet you here in good health & in good mind and as I am ordered by the Queen my Mistresse I will do all that lyes in my Power to cultivate a good understanding and friendship with you as well as assist & protect you if need require as for these reports of an evil design against you they are spread abroad by those that are enemies both to you and us & who would gladly have it so as they give out I assure you they are altogether groundless & not to be creditted, neither can you beleive it except you should think me so foolish as to cut off my right hand with my left since we are one flesh and blood and to shew you what confidence I have of you I design before we part to give you among other things a considerable quantity of powder & lead as well to defend you from your enemies as for your hunting & shall do what in me lyes to make the current price of Powder cheaper for the future

I am obliged to you for informing me that the young men that were gone out a fighting are stopped because there is a suspicôn that they were designed to fight against Her Majestys subjects or those that are under Her Protection & I must require it at your hands that you stop them intirely, one of my principal errands being to take the Hatchett quite out of your hands, but of this & some other matters I shall acquaint you further, when we meet tomorrow or next day, In the mean time there is some beer without, which the Brethren may drink the Queens health withall & their welcome to Town

The 5 Nations replyed by Dekanissore their Speakr

Brother Corlear

We are glad to hear that you speak such good & acceptable words to us & as soon as our conference is ended we will send expresses to all the 5 Nations to inform them of our good & kind reception and Treatment here who are all in a confusion & think nothing less than that some mischeif will befall us

Propositions made by His Excell^{cy} Robert Hunter Capt^{n} Gen^{ll} & Gov^{r} in Cheif of Her Majesties Colonies of New York, N. Jerseys and the Territories depending thereon in America & Vice Adm^{l} of the same, To the Sachems of the Maquase, Oneydes, Oneydes [Onondages] Cayougas & Sinnekes in Albany the 23 Sept^{r} 1714

What I said to you at our meeting two dayes agoe, I hope is sufficient to quiet your minds but in order to give a better light into that false & malitious Rumour I now desire to know who it was that brought these two Belts of Wampum with these reports into whose hands they were given and where they now are

I have at this time sent for you in Her Majestys name to renew the Covenant which has been hitherto strictly performed on both sides & which in her name I promise shall be ever observed on our part as sacred not doubting but you will on yours do the like

I am also to acquaint you that Her Majesty has given peace to y^{e} world & particularly to France against which you have when occasion required readily & cheerfully taken up the Hatchett I speak it with gratitude the Warr being thus ended I now take y^{e} Hatchett out of your hands and desire you to follow peace with all men

But in a more particular matter I now enjoyn you to putt a stop to the present designs of your young men who as I am informed are gone out to make War upon Her Majesties subjects or such Indians who live under the Protection of Her Governm^{t} & have been aiding and assisting to her subjects of the other Provinces against those who have contrary to their Covenants & their duty attack^{d} them I am the more ernest in this matter because I foresee if these methods are pursued the consequence will be what I name unwillingly that is the Involving us all in Warr, in the time of an universal peace

Brethren

I am further to acquaint you that in the Terms of Peace her Majesty has reserved to Her own subjects the Trade with the Five Cantons so that the French cannot be settled amongst you without the Breach of these Articles, and if any such there be I must desire you to take proper measures for removing them & to lett them know at the same time that they must not attempt it for the future

I likewise desire that you may give Free passage to such of y^{e} far nations as shall come through your Country to trade with the subjects of this Province

I have ordered a handsome present of may things useful to you to be made to you in Her Majesty's Name which you will also receive forthwith from the hands of those I have ordered to deliver y^{m} to you, Generall Nicholson has also desired that you may receive from him in Her Majesty's name a suitable present which he desires you to accept in token of his friendship and affection for you which you will also now receive If his other services could have permitted him he would have mett me here to have done this himself what I now do for him

Brethren

I[t] was the desire of those of your number who were in England that there might be missionaries sent to instruct you in the way to Eternal life, I mean the Christian faith which proposal you yourself agreed to upon the meeting you here, Her Majesty has accordingly sent one and ordered a Fort and chappel to be built for his reception which the venerable society maintain for your service at considerable expence I earnestly beseech you that you'l give ear to the good and pious man whose labors for your welfare you are well acquaint^{d} with, that

as we are but one body and of one interest in this world we may have hope of being so in the next

Brethren

Frequent complaints have been made heretofore by the Inhabitants of disorders committed by some of your young men upon your march such as killing their cattle and destroying their fruit Trees & Gardens I desire you'l take care to prevent the like at this and all other times you will now receive provisions for your march which will leave no excuse for these irregularities

Let no suspicion of us find place in your minds for as for many years the Covenant Chain has been kept bright & clean nothing can weaken break or sully it, but the artifices of such as are our common enemies prevailing too far upon your open honest and too credulous Disposition

These presents were given by His Excell^{cy} the Governor in publick to the five nations viz^{t}

100 Bags of Powder of £4—each	20 Guns
45 Galls Rum in 15 Kegs	25 Cases Lead
37 Red coats	2 do Shott
4 P^{s} & ½ Ticks[1]	1 P^{s} Duffells
1 Cask Pipes	42 y^{ds} do
3 Casks Tobacco	1 Keg Paint
12 doz Knives	88 Tom Hawks
2000 Flints	5 P^{s} Strouds
	5 P^{s} Blanketts

and in Private to y^{e} Sachims,

14 Blanketts,	12 Shirts &
18 Bags Powder	2 Galls Rum.

The Sachems of the Maquase Oneydes, Onnondages, Cayouges & Sinnekes answer to the propositions made them by his Excellency Brigadeer Robert Hunter Captain Generall & Governour in cheif of Her Majesties Colonies of New York, New Jersey & Territories depending thereon in America & Vice Admiral of the same in Albany the 25th of Sept^{r} 1714

PRESENT— His Excellenc^{y} the Gov Gen^{ll},

Coll. Peter Schuyler	Coll Peter Matthews
[Maj^{r} Mynd^{t} Schuyler][2]	Capt^{n} Peter Van Brugh

Brother Corlaer

We are come here upon your Excellencys commands and have discoursed you when we first arrived here of the Bad News and stories we heard in our countrey and are now thoroughly convinced by our second meeting that the rumours were false

You have spoke to us in the great Queens name & received[3] the Covenant chain that has been so long kept by both sides inviolable & promised to persist in that good understanding & friendship we are thankful for your kind proposal & do promise & engage that the Covenant shall be kept inviolable on our parts there is no cause or the least reason that the Covenant

[1] 4 ps. half Ticks. *New-York Colonial Manuscripts*, LIX.—ED. [2] In Minute in—*Ibid.* [3] renewed—*Ibid.*

between us should be broke for there is no harm done or blood shed on either side neither shall it be in the power of men or Devills to break it· do give a Belt of Wampum

Brother Corlaer

We shall but briefly repeat your proposalls, you have told us that the Queen has given Peace to the world and particularly to France and therefore you took the Hatchett out of our hands against the French which we have comply'd withall, & we will consult with our young men that are the warriours to bury the Hatchett that they have taken up against the Flatheads[1] subjects of Carolina, we cannot promise it possitively but we will use our endeavours to disuade them from such evil practices, We can not tell the time exactly when we shall send an answer of this affair we told last year when Mr Hanse was in our country that Peace ought to be made between the Christians of Carolina and the Indians but we have heard no answer yet, but when we send you an answer you may depend upon it, it shall be true one

Brother Corlaer

You also tell us it was the desire of some of our Number who were in England that there might be missionaries sent to instruct us in the Christian Religion & to bring Forts[2] & a chappel which Her Maty has accordingly done and it was agreed to by us when we first see your Excellcy you also recommended us to be kind to that good and pious man who labours for our welfare, you shall find us ready to obey your commands in this particular do give a stick having no belt at present but will send from our countrey

You need not doubt but we have remembered all your Propositions and tho' we can not answer them all Paragraph by Paragraph we shall not fail of our Duty in performing what you desire & shall repeat all your proposalls in the ears of our people when we get home to our country & shall make it our business to imprint them into their minds & hearts we have not belts now to lay down according to our Custom but must make us[e] of a stick but shall send down belts for them

Brother Corlaer

You are informed that there are French come to live near the Sinnekes Country it is true there are some there but they are come but as for to lodge a night or two and we will warn them to be gone as soon as we come home and tell them that they must not for the future come there to settle on any account

Brother Corlaer

You have told us that there have been complaints that our young men have killed the peoples cattels Robbed their Orchards &c we will use all endeavours to forewarn them from doing such Insolencys if they will but hearken and obey us

An l as we are recommended to give the far nations a free passage through our country who come to trade here we will not only give them a free passage but encourage & assist them in their Journey do give a stick

You likewise put us in mind that we desired a missioner in every one of our castles to instruct us in the way to eternal life, we own that we desired it but when we consider that the Christians here when it is Sabbath days what fine cloathes they have when they go to church and that goods are still so dear that we can not purchase Sundays cloathes but would

[1] "Flatheads, called by the Indians *Oyadagahroenes.*" Letter of Commissioners for Indian Affairs, 24 January $17\frac{12}{13}$, in *New-York Colonial Manuscripts*, LVIII. See ante, IV., 802.

[2] *build* Forts. *New-York Colonial Manuscripts*, LIX. — Ed.

be necessitated to go to church with an old Bear Skin and Deer Skin we have deferred that matter till Goods are cheaper that we may have cloaths suitable to go to church wthall

Brother Corlaer

Some of our five Nations have been at Maryland & were very kindly entertained by the Indians there & received ten Belts of Wampum from them and we do now acquaint your excellency that pursuant to your commands to live at peace with all men we design to send some of our people thither to confirm our peace with these Indians do give a Belt of Wampum

Brother Corlaer

We acquaint you that the Tuscarore Indians are come to shelter themselves among the five nations they were of us and went from us long ago and are now returned and promise to live peaceably among us and since there is peace now every where we have received them, do give a Belt of Wampum, we desire you to look upon the Tuscarores that are come to live among us as our Children who shall obey our commands & live peaceably and orderly

They gave some Bevers & other Skins to His Excellency

Proposalls made by the Sachems of the 5 Nations to his Excellency Brigadeer Robert Hunter Capt^{n} Gen^{ll} & Governor in chief in Albany the 25th Sept^{r} 1714

The Blew Bek Chief Sachim of the Sinnekes Speaker

We are come to request of your Excellency that a smith may be sent into our country to mend our arms & Hatchetts and that he may be settled in a little village between Cayouge and the Sinnekes Countrey and so can supply both nations this we desire that his Exc^{lley} would be pleased to Grant as soon as possible and if we can not have him along with us now that we may know the time when he will come and here is an old Sachem called Oracqui who lives in that village the smith shall reside with him and never be molested or troubled by any body, do give 8 Beavers & 2 Deer Skins

The Governors answer

There is but one smith as yet who is in the Mohoggs country and as soon as I can get a fitt person he shall be sent to that village to perform the service you desire and in the mean time all necessary Tools shall be given to the Brethren, to be carried thither some tools are here which the Brethren can carry along with them & others were at New York & shall be sent up so that the Smiths Shop shall be furnished & the smith that is in the Mohogs country shall be sent to you to mend your arms & Hatchetts by Turns till an other be got that is willing to do the service and I beleive I have a smith at New York that will be willing for if I should command a man to go against his will he would be of no service to you

The Mahikanders and Scackkook Indians commonly called the River Indians came to his Excellency the Governors lodging at Albany the 27th Sept^{r} 1714 and said

Brother Corlaer[1]

Our number is but small most of our people are out a hunting if we had known the time

[1] *Father* Corlear. *New-York Colonial Manuscripts*, LIX. — Ed.

of your Excellencys coming we would have been more numerous we are glad to see our father in health and bid you welcome to this place

His Excellency answered

Children

I am glad to see you here and do give you thanks for the fidelity you have always shewen to this Government & I do assure you you shall never want my protection as long as you behave yourself with the like dutifulness & obedience and as a token of my affection I have ordered a present of Powder & Lead & other things to be given you

They had the following Goods publickly

12 Bags of Powder	5½ Doz Knives
4 Cases of Lead	1½ P[s] Thicks[1]
13 Hatchetts	4 Gall[s] Rum
Some Tobacco and Pipes	3 Red coats

& there was given privately to the Sachems

2 Blanketts 2 Shirts 1 Bag Powder

The River Indians answer to His Excell[cy]

Father

We are thankfull to you for your kind proposalls & presents and shall always endeavor by our good behaviour to merit the continuation of your good esteem and affection towards us

We must acquaint our Father that S[r] Edmond Andros some time Gov[r] of this Province planted a tree of welfare at Skachhook under whose branches we sheltered and lived peaceably a long time and the owners having sold part of the land to the Christians to wit all the land on one side of the Scackhook Creeks and the Indians were to live and plant on the other side of the creek, but the Christians would now have it on both sides the Creek & Dispossess us of the Lands we formerly planted

His Excellency told them

Children

I will take care that the Tree planted at Skachkook shall flourish @ grow and that the mayor & Aldermen of Albany who have purchased the Land of Schachkook[2] (which belonged originally to the Mahikanders) do allott them so much land and more than you and your children can cultivate & plant and if you hear any rumors be not too credulous as you have been lately but inform me of it & I will undeceive you & tell you the Truth

[1] 1 ps half Thicks — *New-York Colonial Manuscripts*, LIX.

[2] By the charter granted to Albany in 1686, that city had liberty to purchase "five hundred acres of low or meadow land at Schauhtecogue." Hendrik Van Rensselaer subsequently obtained, in March 1698, a patent for six miles square of land on the south side of the same creek, which included the tract allowed to the city. An agreement was, in consequence, entered into between the parties on the 2d of August, 1698, whereby Mr. Van Rensselaer conveyed his patent, for a consideration, to the Corporation, on the 8th of August, 1699. *N. Y. Patents*, VII., 184; *Munsell's Annals of Albany*, III., 55. It now constitutes the town of Schaghticoke, in Rensselaer county. — Ed.

The mayor & Aldermen being sent for and his Excellency informing them of the Indians greivance they do engage that they shall have more land than they can manure and that it shall be broke up in the spring with the Plow

After they had received their Presents they said

Father Corlaer

We are glad that we shall live peaceably under that Tree we have heard strange news of late which did not a little disturb us but we are now satisfied and shall live there quietly

A True Copy examined by

ROBERT LIVINGSTONE Sêcry
for the Indian affairs

Governor Hunter to Secretary Popple.

[New-York Entries, J., 289.]

To W^m^ Popple Esq^re^

Sir

What is on the other side, is a copy of what I wrote by the last ship from hence.

I am unwilling to interrupt the publick joy with my private grievances, not knowing as yet to whom I am to apply for redresse, I have given that trouble to my particular friend, the Earl of Stair, pray sir be assisting in procuring & expediting his Majesty's approbation of the Acts for paying the publick debts here, you know well that the Revenue-bill was never intended to be passed, tho' prepared by the Lords, so these matters do no way interfere.

I have beg'd for one half of what is due upon the Palatine accounts, in the mean time untill matters are settled, I'm sure no man has suffered more than I have done so no body has a better excuse for crying out for relief, I shall not doubt it, nor of your good endeavours towards it, I may live to be thankful, for I may live to be thankfull[1] for I do assure you I am most heartily,

Sir

Your most affectionate &
most humble servant
RO: HUNTER.

8^th^ Nov^r^ 1714.

Governor Hunter to the Lords of Trade.

[New-York Entries, J., 292.]

My Lords,

To the duplicate on the other side, I have only now to add, that by the last post from Boston, I have received what could be saved out of the sands & snow on shoar, of the packets sent

[1] *Sic;* but evidently a repetition. — ED.

by the Hazard Sloop of war, which was lost with all her equipage in a storm about ten leagues from Boston, I had there your Lordships letter with the Proclamation and orders, as also the Lords of the Regency's letter, and one from the Lord Bolingbroke, I had by two several conveyances, acquainted your Lordships that I had, upon the certain information of Her Majesty's death, and His Majesty's accession to the crown, taken care to have him proclaimed with all possible solemnity in all the Towns and Counties in these Provinces and transmitted to your Lordships some addresses to his Majesty from the people here.

With this also your Lordships will receive the remaining part of the Acts past in the last session of Assembly here, which could not be got ready for the former conveyance these are

1st An act for the Treasurer's paying the money therein mentioned.

2. An Act for the Treasurer's paying the arrears due to the Clerk & Door keeper of the Assembly.

3. An Act to entitle Gerrard de Graû and his Assigns to the fishery of Porpoisses.

4. An Act for shortning Law suits and regulating the practise of the Law.

5. An Act for preventing the multiplicity of lawsuits.

These two last are of the same kind, and for the same reasons with these past in the Jerseys, upon which I have already remarked.

6. An Act for appointing Commissioners to let to farm the Excise in the Colony.

7. An Act for regulating fences.

8. An Act for encouraging the Indian trade at Albany.

I must again implore your Lordships recommendation of the Acts for paying publick debts to his Majesty's, for his Royal approbation, my share in it is chiefly what is due to me for firing for the Garrisons for rebuilding and repairing the Forts and Barracks, and the Arrears of my bare Salary.

Thus submitting myself and interests to your Lordships well experienced protection, I am,

My Lords

Your Lordships'

Most faithfull and

Most humble Servant

RO: HUNTER.

New York

Novr 25th 1714.

Secretary Stanhope to the Lords of Trade.

[New-York Entries, J., 140.]

To the Rt Honble the Lds Comrs for Trade & Plants

My Lords & Gentlemen

His Majesty having been pleased to appoint Col: Hunter to be Govr of New York, I desire you will direct the Draught of a Commissn and instructions to be prepared for him, that the same may be laid before his majesty, for his approbation, I am

My Lords & Gentlemen

Your most humble

and most obedient Servant

JAMES STANHOPE

Whitehall

Janry 25th $17\frac{14}{15}$

Lords of Trade to Secretary Stanhope.

[New-York Entries, J., 142.]

To the R^t^ Hon^ble^ M^r^ Sec^ry^ Stanhope

Sir

In obedience to his Majesty's commands signify'd to us by your letters of the 25^th^ past, we have prepared the draughts of Commissions for Rob^t^ Hunter Esq^r^: to be Capt^n^ General and Gov^r^ in Chief of His Majesty's Provinces of New York & New Jersey in America, which we herewith transmitt to you to be laid before his Majesty in Council and in further pursuance of his Majesty's pleasure, We are preparing draughts of instructions as usual for the said Rob^t^ Hunter's guidance in those Governments We are,

Sir

Your most obedient and
most humble Servants,
BERKLEY
R MOLESWORTH
ARCH^d^ HUTCHESON
CHA: COOKE
PAUL DOEMINIQUE

Whitehall
Feb: 8^th^ $17\frac{14}{15}$

Commission of Robert Hunter, Esq., to be Governor of New-York.

[New-York Entries, J., 142; N. Y. Commissions, IV., 36.]

Commission for Rob: Hunter Esq^re^ to he his Majesty's Captain Gen^l^ and Governor in Chief of His Majesty's Province of New York, & the Territories depending thereon in America.

GEORGE, by the Grace of God, of Great Britain, France and Ireland, King defender of the faith &^c^. To our trusty and welbeloved, Rob: Hunter, Esq^re^ Greeting. [Whereas our late Royal Sister Queen Ann by her Letters Patents under her Great Seal of Great Britain bearing Date at Westminster the Nineteenth day of October in the seventh year of her Reign did Constitute and appoint you the s^d^ Robert Hunter to be Her Captain General and Governour in Chief in and over her province of New York and the Territories depending thereon in America, To Hold, execute and enjoy the said office and place together with all and singular y^e^ powers and Authorities thereby granted unto you for and during her s^d^ late Maties pleasure as by the said recited Letters Patents relation being thereunto had may more fully and at large appear In which said office and place by virtue of the Statute in such Case made and provided and of our Royal Proclamation for that purpose Issued you are continued untill wee shall declare our further pleasure Concerning the said office, Now KNOW YEE that we have Revoked and Determined and by these presents do Revoke and Determine the said recited Letters patents and every Clause Article and thing therein Contained and yo^r^ Continuance in the said office AND FURTHER KNOW YEE That] We reposing especial trust and confidence in the prudence,

courage and loyalty of you the said Robt Hunter, of our especial Grace, certain knowledge and meer motion, have thought fit to constitute and appoint and by these presents do constitute and appoint you the said Robt Hunter to be our Captain Genl and Govr in Chief in and over Our Provinces of New York and the Territories depending thereon in America. And we do hereby require and Command you to do and execute all things in due manner, that shall belong unto your said command, and the trust we have reposed in you, according to the several powers and directions granted or appointed you by this present Commission and the instructions and authorities herewith given you, or by such further powers, instructions and authorities as shall at any time hereafter be granted or appointed you under our signet and sign Manual, or by our order in our Privy Council, and according to such reasonable law & statutes, as now are in force, or hereafter shall be made and agreed upon by you, with the advice and consent of our Council and the Assembly of our said Province under your Government in such manner and form as is hereafter expressed.

Rob: Hunter Esq appointed Governor of New York.

to follow instructions

and laws made there

And our Will and pleasure is, that you the said Rob: Hunter (after the publication of these our letters Patents) do in the first place take the Oaths appointed by Act of Parliament to be taken instead of the Oaths of Allegiance and Supremacy and ye Oath mention'd in an act passed in the 6th year of her late Majesty [Queen Anne's] Reign entituled an Act for the security of her Majesty's person and Government and of the Succession to the Crown of Great Britain in the Protestant line, As also that you make and Subscribe the declaration mentioned in an Act of Parliament made in the 25th year of the Reign of King Charles the second, entituled An Act for preventing dangers which may happen from Popish Recusants, and likewise that you take the usual Oath for the due Execution of the Office and trust of Our Captain Genl and Govr in Chief in and over Our said Province af New York and the Territories depending thereon, for the due and impartial administration of Justice, and further that you take the Oath required to be taken by Governors of Plantations to do their utmost, that the several laws relating to trade and the plantations be observed, which said Oaths and declaration Our Council in our said province or any three of the members thereof, have hereby full power and authority, & are required to tender and administer unto you, and in your absence to our Lieut Governor, if there be any upon the place, all which being duly performed you shall administer unto each of the members of our said Council, as also to our Lieut Governor, if there be any upon the place, the oaths appointed by law to be taken instead of the oaths of allegiance and supreamacy and the oath mentioned in the said Act entituled, an act for the security of her Majesty's person and government and of the succession to the Crown of Great Britain in the protestant line. As also to cause them to make and subscribe the aforesaid declaration, & to administer to them the oath for the due execution of their places and trusts.

to take the oaths.

to be administered [by] three members of the Council

to administer the oaths to Councel's.

Power to suspend Councillors or Lieut Governor.

And we do hereby give and grant unto you full power and authority to suspend any of the members of our said council from sitting, voting and assisting therein, if you shall find just cause for so doing, And if there shall be any Lieut. Governor him likewise to suspend from the execution of His Command, and to appoint another in his stead untill our Pleasure be known.

And if it shall at any time happen that by the death, departure out of our said Province, suspension of any of our said Councillors, or otherwise, there shall be a vacancy in our said Council (any three whereof we do hereby appoint to be a Quorum) Our will and pleasure is, that you signify the same unto us by the first opportunity, that we may under our signet and sign Manual, Constitute and appoint others in their stead.

To give notice of vacancies in Council in order to be supply'd.

3 Councellors to be a Quorum.

When less than 7 Councillors he may appoint to make up that number.

But that our affairs at that distance may not suffer for want of a due Number of Councillors, if ever it shall happen, that there be less than seven of them residing in our said Province; we do hereby give and grant unto you the said Robert Hunter full power and Authority, to chuse as many persons out of the principal freeholders, inhabitants thereof as will make up the full number of our said Councill to be seven and no more, which persons so chosen and appointed by you, shall be to all intents and purposes Councillors in our said Province, until either they shall be confirmed by us, or that by the nomination of others by us, under our sign Manual and signet, our council shall have seven or more persons in it.

Power to call Assemblies.

And we do hereby give and grant unto you full power and authority with the advice and consent of our said Council from time to time, as need shall require, to summon and call general assemblies of the said freeholders and Planters within your Government, according to the usage of our Province of New York.

Assemblymen to take the oaths.

Our will and pleasure is, that the persons thereupon duly elected by the Major part of the freeholders of the respective counties and places, and so returned, shall before their sitting, take the oaths appointed by Act of Parliament to be taken instead of the oaths of allegiance and supremacy, and the oath mentioned in the foresaid Act entituled, an act for the securing her Majesty's person and Government and of the succession to the Crown of Great Britain in the Protestant line, as also make and subscribe the forementioned Declaration (which oaths and declaration you shall commissionate fit persons under our seal of New York to tender & administer unto them and until the same shall be so taken and subscribed, no person shall be capable of sitting tho' elected And we do hereby declare that the persons so elected and qualify'd shall be called and deemed the general Assembly of that our Province and territories depending thereon.

to make laws.

And that you the said Rob: Hunter, by and with the advice and consent of our said Council & Assembly, or the major part of them respectively shall have full power and authority to make constitute and ordain laws, statutes and ordinances for the publick peace welfare and good Government of our said Province and of the people and inhabitants thereof, and such others as shall resort thereto, and for the benefit of us our heirs and successors, which

Laws made there to be agreable to the Laws of England

said laws, statutes and ordinances are not to be repugnant but as near as may be, agreable to the laws and statutes of this our kingdom of Great Britain; Provided that all such laws, statutes and ordinances, of what nature or duration soever be within three months or sooner after the making thereof, transmitted unto us under our seal of New York, for our approbation or disallowance of the same, as also duplicates thereof by the next conveyance.

Laws disallowed by the Crown to be void.

And in case any or all of the said laws statutes and ordinances not before confirmed by us, shall at any time be disallowed and not approved, and so signify'd by us, our heirs or successors, under our or their sign Manual and signet, or by order of our or their Privy Council unto you the said Rob: Hunter, or to the Commander in Chief of our said Province for the time being, then such and so many of the said laws, statutes, and ordinances, as shall be so disallowed and not approved, shall from thenceforth cease, determine and become utterly void and of none effect. any thing to the contrary thereof notwithstanding.

And to the end that nothing may be pass'd or done by our said Council or Assembly, to the prejudice of us, our Heirs and Successors, we will and ordain that you the said Rob: Hunter

To have a negative voice. shall have and enjoy a negative voice in the making and passing all laws, statutes and ordinances, as aforesaid.

to adjourn &c Assemblies. And you shall and may likewise from time to time as you shall judge it necessary, adjourn, prorogue & dissolve all general assemblies as aforesaid.

To keep the publick seal. Our further will and pleasure is, that you shall and may keep & use the publick seal of our Province of New York, for sealing all things whatsover that pass the great seal of our said Province under Your Government.

We do further give and grant unto you the said Rob: Hunter full Power and authority

to administer the oaths to any person in his Government. from time to time, and at any time hereafter, by your self or by any other to be authorized by you in that behalf, to administer and give the oaths appointed by Act of Parliament to be taken instead of the oaths of allegiance and supremacy, to all and every such person or persons as you shall think fitt, who shall at any time or times pass into our province, or shall be resident or abiding there.

To erect courts of judicature And we do by these presents give and grant unto you the said Rob: Hunter full power and authority, with the advice and consent of our said Council, to erect, constitute and establish, such and so many courts of Judicature and publick justice within our said Province and the Territories under your Government as you and they shall think fitt and necessary, for the hearing and determining of all causes as well criminal as civil, according to law and equity, and for awarding of execution thereupon, with all reasonable and necessary powers, authorities, Fees and privileges belonging thereunto; As also to appoint

and to administer the Oaths to the Officers belonging and Commissionate fit persons in the several parts of your Government to administer the oaths appointed by Act of Parliament, to be taken instead of the oaths of allegiance and supremacy, and the oaths mentioned in the aforesaid Act, entituled; An Act for the security of her Majesty's person and Government and of the succession to the Crown of Great Britain in the Protestant line, as also to tender and administer the foresaid declaration unto such persons belonging to the said court, as shall be obliged to take the same.

To appoint judges &c. And we do hereby authorize and impower you to Constitute and appoint judges, and in cases requisite Commissioners of Oyer and Terminer, Justices of the peace and other necessary Officers and Ministers in our said Province, for the better administration of Justice, and putting the laws in Execution, and to administer or cause to be administred unto them such Oath or Oaths as are usually given for the due execution and performances of offices & places, and for the clearing of truth in judicial causes.

And we do hereby give & grant unto you full power and authority, where you shall see

to pardon offenders and remit fines. cause, or shall judge any offender or offenders in criminal matters, or for any fines or forfeitures due unto us, fit objects of our mercy, to pardon all such offenders,

except treason and murder. and to remit all such offences, fines and forfeitures, treason and wilfull murder only excepted, in which case you shall likewise have power upon extraordinary

may in those cases grant reprieves occasions to grant Reprieves to the offenders untill and to the intent our Royal Pleasure may be known therein.

To collate persons to Ecclesiastical benefices. We do by these presents authorize and empower you to collate any person or persons to any churches chappels or other ecclesiastical benefices within our said Province and Territories aforesaid, as often as any of them shall happen to be void.

And we do hereby give and grant unto you the said Rob: Hunter by yourself or your Captains and Commanders by you to be authorized, full power and authority, to levy arm muster Command and employ all persons whatsoever, residing within our said Province of

New York, and other the Territories under your Govern[t], and as occasion shall serve, to march from one place to another, or to embark them for the resisting & withstanding of all enemies, pirates and rebels, both at sea and at land, and to transport such forces to any of our plantations in America, if necessity shall require, for the defence of the same, against the invasion or attempts of any of our enemies, and such enemies, pirates and rebels, if there shall be occasion to pursue and prosecute in or out of the limits of our said Province and Plantations, or any of them, and if it shall so please God, them to vanquish, apprehend and take and being taken according to law to put to death or keep & preserve alive at your discretion; And to execute martial law in time of invasion, insurrection or war,[1] and to do and execute all and every other thing and things, which to our Captain General & Governor in Chief doth or ought of right to belong.

To put enemies &c to death at discretion.

To exercise law Martial.

And we do hereby give and grant unto you full power and authority, by and with the advice and consent of our said Council of New York, to erect raise and build in our said Province and Territories depending thereon, such and so many Forts and Platforms, Castles, Cities, Boroughs Towns and Fortifications, as you by the advice aforesaid, shall judge necessary; and the same or any of them to fortify, and furnish with ordnance, ammunition and all sorts of arms fit and necessary for the security and defence of our said Province; and by the advice aforesaid the same again or any of them to demolish or dismantle as may be most convenient.

To erect fortifications.

And for as much as divers mutinies and disorders may happen by persons ship'd and employ'd at sea, during the time of war, and to the end that such as shall be ship'd and employ'd at sea, during the time of war may be better governed and ordered; we do hereby give and grant unto you the said Rob: Hunter, full power and authority to constitute and appoint Captains Lieu[ts] Masters of ships and other Commanders and officers and to grant to such Captains Lieu[ts], masters of ships and other Commanders and officers, Commiss[ns] to execute the law Martial [According to the Directions of an Act passed in the Thirteenth year of King Charles the second for the Regulating and better Government of his Maties Navy ships of war and forces by sea] during the time of war, and to use such proceedings Authorities, punishments, Corrections & executions upon any offender or offenders who shall be mutinous, seditious, disorderly or any way unruly either at sea or during the time of their abode or residence in any of the Ports, Harbours or Bays of our said Province and Territories, as the cause shall be found to require according to Martial law, [and the said Directions] during the time of war as aforesaid,

To appoint Captains and other Officers of ships.

with power to execute Martial law

Provided that nothing herein contained, shall be construed to the enabling you or any by your Authority, to hold plea or have any Jurisdiction of any offence, cause matter or thing committed or done upon the high sea, or within any of the Havens, Rivers or Creeks of our said Province and Territories under your Government by any Captain, Commander, Lieu[ts], Master, Officer, seamen, soldier or other person whatsoever, who shall be in our actual service and pay in or on board any of our ships of war or other vessells acting by immediate Commission or warrant from our Commissioners for executing the office of our high Admiral [of Great Britain] under the seal of our Admiralty, or from our high Admiral of Great Britain for the time being; But that such Captain, Commander, Lieut[t], Master, officer Seamen soldier or other person so offending, shall be left to be proceeded

Not to have Jurisdiction on any offence Commitd on the high seas or Havens by Captains Lieuts &c. on board ships of war.

[1] This member of the sentence reads, in the Commission, as recorded, as follows:—"And to execute Martial Law in time of Invasion, War or other Times which by Law it may be executed," &c. — Ed.

against and try'd as the merrits of their offences shall require, either by Commission under our great seal of Great Britain, as the statute of the 28 of Henry the Eighth directs, or by Commission from our Commissioners for executing the office of our High Admiral [of Great Britain] or from our High Admiral of Great Britain for the time being, according to the act of Parliament pass'd in the 13th year of the Reign of King Charles the second, entituled, an act for establishing articles & orders for the regulating & better Government of His Majesty's Navies, ships of war and forces by sea & not otherwise.

May try sea officers for offences Committed on shore.

Provided nevertheless that all disorders and misdemeanours Committed on shore by any Captain, Commander, Lieut, Masters, Officers, seamen, soldier or other person whatsoever, belonging to any of our ships of war, or other Vessels acting by immediate Commissn or warrant from our Commissioners for executing the office of our High Admirl [of Great Britain] under the seal of our Admirty or from our high Admiral of Great Britain for the time being, may be try'd and punished according to the Laws of the place where any such disorders, offence & misdemeanrs shall be committed on shore, notwithstg such offender be in our actual service, and born in our pay on board any such our ships of War, or other Vessels acting by immediate Commission or warrant from our said Commissioners for executing the office of our High Admiral or from our High Admiral of Great Britain for the time being, as aforesaid, so as he shall not receive any protection for the avoiding of Justice, for such offences committed on shore, from any pretence of his being employ'd in our service at sea.

All monies raised for support of Govert to be issued by Govrs warrant with advice of Council.

Our further will and pleasure is, that all publick monies raised or which shall be raised by any act hereafter to be made within our said Province and other the territories depending thereon, be issued out by warrant from you by and with the advice and consent of the Council, and disposed of by you for the support of the Government, and not otherwise.

And we do hereby likewise give & grant unto you full power & authority, by and with the advice and consent of our said Council, to settle and agree with the inhabitants of Our Province and territories aforesaid for such Lands, Tenements and Hereditaments as now are or hereafter shall be in our power to dispose of, and them to grant to any person or

To grant lands. under moderate Quit Rents.

persons upon such terms, and under such moderate Quit Rents, services and acknowledgements to be thereupon reserved to us, as you by and with the advice aforesaid, shall think fit which said grants are to pass and be seal'd by our seal of New York, and being entred upon record by such officer or officers as you shall appoint thereunto, shall be good and effectual in law against us, our Heirs & Successors

to appoint Fairs and Markets.

And we do hereby give you the said Robert Hunter full power to order and appoint fairs, marts and markets, as also such and so many Ports, Harbours, Bays, Havens, and other places for convenience and security of shipping and for the better loading and unloading of goods & marchandizes, as by you with the advice & consent of the said Council, shall be thought fit and necessary,

All officers to be obedient to the Governor.

And we do hereby require and Command all officers and ministers, civil and military, and all other inhabitants of our said Province and Territories depending thereon, to be obedient aiding and assisting unto you [the] said Robert Hunter in the execution of this our Commission and of the powers & Authorities herein contained, and in case of your death or absence out of our said Province & Territories, to be obedient, aiding & assisting

or Lieut Govr

unto such person as shall be appointed by us, to be our Lieut Governor or Commander in Chief of our said Province, to whom we do therefore by these presents give &

grant all and singular the powers & authorities herein granted to be by him executed and enjoy'd during our pleasure, or until your arrival within our said Province and Territories.

In the absence of the Governor and Lieut Govr the president of the Council to Command.

And if upon your death or absence out of our said province and Territories, there be no person upon the place, commissionated or appointed by us to be our Lieu[t] Governor or Commander in Chief of the said Province. Our will and Pleasure is, that the eldest Councillor, whose name is first placed in Our said instructions to you, and who shall be at the time of your death or absence, residing within our said Province of New York, shall take upon him the administration of the Government and execute our said Commission and Instructions, and the several powers and authorities therein contain'd, in the same manner, and to all intents and purposes, as other our Governor or Com[r] in Cheef should or ought to do, in case of your absence, until your return, or in all cases until our further Pleasure be known therein.

To be Governor during the King's pleasure.

And we do hereby declare, ordain and appoint that you the said Robert Hunter shall and may hold, execute and enjoy the office and place of our Capt[n] General and Gov[r] in Chief, in and over our Province of New York, and the Territories depending thereon, together with all and singular the powers & authorities hereby granted to you, for and during our Will and Pleasure.

To Command the militia in Connecticut.

And whereas there are divers Colonies adjoining to our Province of New York, for the defence and security whereof, it is requisite that due care be taken in the time of war, we have therefore thought it further necessary for our service, and for the better protection and security of our subjects inhabiting those parts, to constitute and appoint, and we do by these presents constitute and appoint you the said Robert Hunter to be our Captain General and Command[r] in Chief of the Militia & of all the forces by sea and land within our Colony of Connecticut and of all our forts and places of strength within the same.

In the Governors absence the Commr in Chief of New York for the time being to Command the Militia in Connecticut.

And for the better ordering, Governing and Ruling our said Militia, and all our forces, forts and places of strength within our said Colony of Connecticut, we do hereby give & grant unto you the said Robert Hunter, and in your absence to our Commander in Chief of our Province of New York all and every the like powers as in these presents are before granted & recited for the ruling, Governing & ordering our Militia and all our forces, forts & places of strength within our Province of New York to be exercised by you the said Robert Hunter, and in your absence from our Territory and Dominion of New York, by our Commander in Chief of our said Province of New York within our said Colony of Connecticut, for and during our Pleasure.

revocation of the old Commission.

Lastly, we have revoked, determin'd and made void, and by these presents do revoke, determine and make void the like Commission or Letters Patents granted by Her late Majesty Queen Ann unto you the said Robert Hunter for the Government of our said Province of New York, under the Great Seal of Great Britain, bearing date at Westminster the day of in the year of Her said Majesty's Reign. In witness whereof we have caused these our Letters to be made Patents. Witness our Self at Westminister the [seventeenth] day of [March] In the first Year of Our Reign.

[By Writt of Privy Seal

WRIGHTE.]

The words within [ ] in the preceding document are added from the Record in *New-York Commissions*, Secretary's Office, Albany, IV., 36, in which the passage in Italics is omitted. —Ed.

Earl of Clarendon to the Lords of Trade.

[New-York Papers; Aa., Art. 154.]

My Lords

Your Lordships having signified to me by your Secretary Mr Popple, that I should this day lay before you in writeing my objections against two Acts of Assembly, the one past at New York in America Intituled an Act for Payment of the Debts of the Government of New York and the other past in New Jersey In America Intituled an Act to enable Thomas Gordon Esqre Treasurer of the Province to pay the sum of £999.13s.3d towards the support of the Government, and for discharging ye said Treasurer thereof, before I enter upon the objections I have to make to those two Acts, I must acquaint your Lordships that at the time Her late Majesty was pleased to recall me from those Governments sevral sums of Money were then, and still are, due to me in the Province of New York, both upon account of my salary as Governor, and upon account of severall disbursements made by me for the service of the Governmt. Now I am informed that the Act above mentioned past at New York is so unjust in its nature, as to direct the Payment of considerable sums of money where none is realy due, and allows to other just debts, to some one half, to others a third, to others a fourth part, and to others nothing, nay, I am informed that there is a Clause in that Act, that says, no demand shall be made for any Debt not there provided for, which is plainly excluding me who was not upon the place to make any Demands, though my Demands are never so just, this will be found to be the case of others as well as myself, I am informed farther that by this Act there is a gratuity given to every member of ye Assembly for passing this Act, and perticularly to Mr Morris for drawing it a thing never before heard of in that Government, and which must be attended with very ill consequences, these are the reasons I have to offer to your Lodps against this Act at present, not haveing yet seen the Act, but if I may have a copy of it from Mr Popple, which I desire your Lordships will please to order I may I do not doubt but I shall be able to offer more reasons to induce your Lordshipps to advise His Majesty to reject this Act so injurious to many people

Now give me leave to inform your Lordshipps that on the 29th of July 1703 to the best of my remembrance, I received at New York the late Queens commission under the broad seal of England, constituting me Governor of New Jersey, it was about sixteen months after that before I could prevail with the Assembly of that Province to settle any Revenue and then they settled it but for two years, so that I served in that Government upwards of three years, without receiving any salary as Governor, but on the contrary was forced to disburse severall sums of money, out of my own Pockett for the service of that Government, which are still owing to me, because the Assemblys of that Province have not settled any Revenue since the two years above mentioned expired. Now by the Act lately passed in New Jersey they take upon them to dispose of a sum of money remaining in the Treasurers hands. Out of a greater sum granted to the late Queen, for the expedition against Canada and which is the first sum of money that I or anybody else could make any demand upon, first I say that the Assembly have no power to dispose of that money, because it is the money of ye Crown, and to be disposed of by the Crown only, secondly, I say it is by this Act ordered to be paid to the Governor, which is contrary to his instructions, thirdly this Act discharges the Treasurer his Heirs &c from being accountable for the said sums, whereas by the Governors Instructions

all moneys granted to the Crown by the Assembly of that Province are to be accounted for to the Treasury here in England, these I hope will be sufficient reasons to induce your Lordships to advice His Majesty to reject this act tho' I don't doubt but when I see the Act, I shall be able to offer more good reasons against the said Act, I am

My Lords

Your Lordships

mo faithful

humble Servt

Somerset House
Febry 8. $17\frac{1}{1}\frac{4}{5}$

CLARENDON

Governor Hunter to the Lords of Trade.

[New-York Entries, J., 295.]

To the Right Honble the Lords Comrs for Trade and Plantations

My Lords.

A. He has received no directions from the Board or Ministry since the King's Accession, but by some found in the wreck of a sloop.

nothing to be expected from either of the Assemblies.

B. The Jerseys so divided about their Titles to lands that neither party will do anything without being gratify'd on that account.

These divisions fomented by Mr Cox who is encourag'd by the Attorny General, (now suspended) as per Minutes of Council inclosed.
And the Secery (who he must suspend) who were prompted thereto by a late Governour & his agent.

Not having received any directions from your Lordships or the present Ministry since his Majesty's happy accession to the Crown, except what was picked up from the wreck of the Hazard Sloop, I am at a loss what to write, only in general I must inform your Lordships, that by the choice made of representatives for both Assembly's here, I have too much reason to expect little besides confusion in both Provinces, The Jersey's are so divided about their claims and Titles to lands, that whatever party in the Assembly, will expect to be gratify'd by some acts in favour of their claims befor they consent do any thing for the Government, Mr Cox who is the sower of sedition, has got himself Chosen by those who are link't to him by land purchases, on purpose to make confusion he is indeed capable of nothing else, he has done what in him lay to raise tumults and has hitherto escaped prosecution and punishment by the means of the two infamous officers of the Government, the Attorney Generall and Secretary, the first of whom I was laid under a necessity of suspending, and [as] your Lordships will perceived by the inclosed minutes of Council and must immediatly take the same measures with the other, or suffer that Government to be trampled upon & stuck, I think my Lords I may now without a crime speak out, those two with their abetters have acted no otherwise than as they were prompted all along from the other party by a late Governor of these provinces, and his agents on this side, and that very avowedly, the people being incessantly threatned and frieghtned with his restoration, that freight how groundless soever, even at that time, had some effect, but I thank God it is now over, how far Cox may work upon the ensuing Assembly by the means I have already mention'd, time will show.

C. He continues under great hardships

I shall whilst I live retain a just sence of your Lordships Justice to me, and your endeavours for my relief, tho' for reasons that I can not dive into, they have hitherto proved ineffectual, but as matters stand at present, I must conclude it impossible that the wretched condition of this Government should be any longer overlooked or neglected at home, for I must with confidence affirm that some men in my station would have made

concessions of any kind, how prejudicial soever to the interests of the Crown, rather than be reduced to that misery that I have groaned under these five years past, if it may be of any service to His Majesty or the publick, that I should continue to beg my daily Bread of those who take Pleasure in my sufferings I submit with pleasure, I know your Lordships are of another opinion, which encourages me humbly but earnestly to obtest your Lordships again to use your endeavours for a settlement here by Act of Parliament, as Her late Majesty was pleased to direct, for I can stake my life and fortune upon't that never any can be obtain'd on this side, but from Year to Year, and that not half sufficient to answer the ordinary and necessary expence of Government, the funds for this last year not compleating one half of their own scanty allowance.

Not to be remedied but by Parliament here.

Their allowance they grant from year to year not half sufficient.

And if ever such a precarious provision is made it must be upon such conditions that a man who has in the least measure the intrest of the Crown at heart, can never assent to.

I shall not further trouble your Lordships at this time, but as you have been hitherto my most worthy Patrons and protectors, having to my knowledge not so much as in a thought rendred myself unworthy of it, I must most humbly intreat that you'l continue to be so, and that you'l beleive that I am with an unalterable duty and all imaginable honour

My Lords

Your Lordships

most faithfull and

New York — most humble Servant

March 28. 1715. — Ro: Hunter

Mr Mompesson dead, he has Commission'd Lewis Morris Esq: in his room.

He has made Mr Gordon Attorney General in the Room of Mr Griffith.

Mr Mompesson our Chief Justice is dead, I have commissionated Lewis Morris Esq[r] in his room for these reasons amongst others, that he is a sencible honest man, and able to live without a salary, which they will most certainly never grant to any in that station, at least sufficient to maintain his Clerk, I have in the room of Mr Griffith granted a Commission to Thomas Gordon Esq[r] heretofore Chief Justice.

Governor Hunter to Secretary Popple.

[New-York Entries, J., 299.]

To W[m] Popple Esq:

Sir,

This comes by a very poor conveyance, a small sloop to Bristol so that 'tis doubtful whether it may reach you.

Signifying his having received no orders since his Majesty's arrival and about Coll: Nicholson.

I have been in much perplexity, having no orders since his Majestys Arrival, I hope duplicates may arrive speedily for the originals must have miscarry'd.

Mr Nicholson who was sent hither with two Strange Commissions, is now gone home without executing either for he never came nearer to us than Boston, where he remain'd upon assurances of a Commission for this Government, I am pretty easy as to him, for the present folks have no manner of occasion for madmen.

as also desiring assistance in the ill condition of his affairs.

It is impossible that the oppressions I have groan'd under here, should make no impression on the minds of the present Ministry, especially those sent me hither, I know their Justice & Generosity too well to doubt it, so I shall patiently and confidently expect a remedy.

Sir, I must now earnestly recommend my poor affairs to your assistance, I hope the time is come when I may have it in my power to repay the obligations I have ever had to you, and I assure you I am very sincerely and heartily

Sir,

Your most obliged
humble Servant
Ro: Hunter.

New York
28. March 1715.

Governor Hunter to Secretary Popple.

[New-York Entries, J., 300.]

To Wm Popple Esq:

Sir,

Sending duplicates of what I wrote a few days ago by a sloop to Bristol, by this to Holland I cou'd not omit giving you the trouble of my thanks for all your favours, and to intreat your assistance, in your way, to Mr Strahan, in his applications for me. I believe you'll do't with a better heart than formerly, because with greater hopes of success, It will be hard If I am the only unhappy man of one side, be it as it will I am perfectly easy in my mind (which was lately much otherwise) If I shou'd be reduced to beg my bread.

I have been obliged to turn out that vile fellow Griffith, the Attorny General of the Jerseys,[1] who has been all along an impudent tool of Lord Clarendon's and that noisy fool Cox has betray'd the publick service so avowedly, that I verily believed he had orders from home to do so, Mr Talbot has incorporated the Jacobites in the Jerseys under the name of a church, in order to sanctify his sedition and insolence to the Government.

That stale pretence is now pretty much discused, and I am easy and shall make them so in spite of themselves. Cox, Griffith and Bass are his main prop's, if the Society take not more care for the future than has been taken hitherto in the choice of their Missionaries, instead of establishing Religion, they'l destroy all Government and good manners. I have not time to add more, but that I am very heartily,

Sir,

Your most obliged
humble Servant
Ro: Hunter.

New York
April 9. 1715.

[1] Alexander Griffith was appointed Attorney-General of New Jersey, by Lord Cornbury, in 1704. He did not long survive the loss of his office. The Rev. Mr. Talbot, writing on the 7th November, 1715, says, he died at Amboy "broken hearted, being falsely accused and abused as a disaffected person to the Government." *Collections of the Protestant Episcopal Society*, I., 77. — Ed.

The Lords of Trade to the King.

[New-York Entries, J., 168.]

To the KINGS MOST EXCELL^t MAJESTY.

May it please your Majesty,

Your Majesty having been pleased to approve the Commissions of Brig^r Hunter to be your Majestys Governor of New York and Jersey in America; we now humbly lay before your Majesty the draughts of instructions for him for these Governments, which are to the same purpose as the last he had; except that there being a vacancy in the Council of N. Jersey, we have added the name of David Lyol[1] to the list of Councillors, he having been recommended to us as a person fitly qualify'd to serve your Majesty's in that Station, we also lay before Your Majesty y^e usual draughts of instructions relating to the Acts of Trade and Navigation.

All which are humbly submitted

JN^o CHETWYNDE
CHA: COOKE
P: DOEMINIQUE
RO^t MOLESWORTH
JO: COKBURNE
ARCH: HUTCHESON

Whitehall
May 6^th 1715.

Governor Hunter to the Lords of Trade.

[New-York Entries, J., 352.]

To the Right Hon^ble the Lords Commiss^rs for Trade and Plantations

My Lords,

A. He has received the Boards lrê of 19th Aug 1714. He has given orders about illegall Trade with the French Plantations.

I have had the honour of your Lords^ps of the 19 Aug: 1714 by the last post from Boston, by the solebay which brought it thither being but lately arrived there, I have given the necessary orders with relation to the illegal Trade with the french Plantations and shall take care as much as in me lyes that the Articles of the treaty mention'd in the letter be punctually observed.

B. Copy of the Earl of Clarendon's Meml against the Act for paying the publick debts laid before the Assembly.

Your Lordships Secretary having transmitted to me a Copy of a Memorial signed by the Earl of Clarendon against the approbation of the bill for payment of the publick debts here &c^a I thought it necessary to lay it before the General Assembly here, and with this (marked A.) your Lordships will receive their answer as also an Act now passed here explaining that Act which we humbly conceive takes away all colour or pretence of objections to it (marked B) the paper (marked C) is what I said to them at the opening of this Assembly printed by their order, I must repeat here what I have affirm'd there that of all men, that Noble Lord ought to have been, most silent in this case, for to the misapplications during his

their Answer.
An Act sent to explain that beforemention'd
His speech to the Assembly.

[1] David Lyell, of Amboy, N. J. — ED.

Great share of the publick debts owing to misapplications in Ld Clarendon's time. By his Lordsps means no revenue will be settled for the future & His Majty's servants suffer till relieved from home.

Administration, In the whole course of which there was an ample revenue settled and paid, it is that we owe a great share of these publick debts, and to that it is that we owe that there never will be another Revenue settled here by Act of Assembly, and that His Majesty's servants must continue beggars on this side until he shall think fit in his Princly wisdom to send them relief from home, As for my share in the claim besides the arrears of my bare Salary, firing and Candle for the several Garrisons, repairs of the Forts and Magazines all proved before the Commrs appointed for that purpose & before their Committees, there is one Article of 200 pounds of his Lordships warrants which is all I have for that sum paid by me to Capt: Paston who had advanced it to his Lordsp at my desire and on my promise of payment upon his Lordship leaving this place, & without which he then affirm'd he could not stir from hence, the paper (D) is a copy of his letter as I believed acknowledging the obligation, of which how he has acquitted himself your Lordsps best know. How tender I was on all occasions of his reputation those who have heretofore sat at that Board can bear me witness. when the Assembly in the Jersey's made a representation of the state of that Province which I was obliged to transmit to their Lordships I acquainted them that the first part relating only to past miscarriages during a preceeding administration I did not think it necessary to give their Lordships the trouble of reading it, but now I send it your Lordships intire (marked E) I had seized & suppressed all the printed Copies under colour of their being printed without my leave tho' it was done by order of the house of representatives. Hitherto I have been silent, notwithstanding the innumerable provocations I have met with, & shall conclude this subject with assuring your Lordships that most of the difficulties in this Governmt has laboured under during my administration have been owing to that opposition his Lordship made to all my representations at home and the spirit which that gave to his agents and emissaries on this side. having affirmed that many of these publick debts were created by his Lordships managemt I think it not unnecessary to communicate to your Lordsps the paper F which is a copy of what I have by me all wrote by the late Chief Justice Mompesson his own hand and given by him to the late Lord Lovelace soon after his arrival in this Province, it is but a small part of a very long representation of Misgovernment.

C. Brigr Hunter's share in the Claim for mony advanced Lord Clarendon besides arrears for Salary, fire for ye Garrison &c.

Copy of Ld Clarendon's letter owning the obligation.

D. Brigrs Hunters tenderness of his Lops reputation.

Acct of Ld Clarendons Mal: Administration he suppressed the former printed copies thereof.

most of ye difficulties that Govr has labour'd under are owing to Lord Conbury.

A paper write by ye late Chief Justice about publick debts &c. created by Lord Clarendon's managemt.

In the next place I am to acquaint your Lordsps that the Assembly here, notwithstanding their dutiful address which I have sent home by this conveyance in all appearance will serve his Majesty's Government no better than they have done his predecessors, they have postponed all other business to that of an Act for general naturalization and the Agency bill, which last they have now pass'd and sent up in the same terms with that of which I long ago sent a copy to your board, and lest it should be mislaid, I think fit to acquaint Your Lordships that it is an Act intirely excluding the Governor or Council from having any thing to do with the agent or to make any representations or applications by him, but constituting themselves, and during the intervals of their sessions, such persons of their own house as they shall appoint who even in the time of a dissolution shall be the sole persons or Court empowered to make any representns or applications.

All other business postponed to an Act for naturalization & agency bill the later they have pass'd.

Excluding the Gov: from having any thing to do with their Agent &c.

This they are well perswaded can never pass, but they'l lay hold of its being rejected as a pretence for leting the support of Government drop for another year, for the funds they gave for the last year have not raised half of their own

Not expecting this to pass the rejecting it will be their pretence to let the support of the Govt drop.

They funds they gave for the last year deficient.

scanty Sum and I despair of their making good the deficiency; As to the

F. The Naturalization bill of an extraordinary nature.

Naturalization bill I have offered to them that, it being an act for an extraordinary Nature rescinding a clause in the Act for limitations and the succession of the

He would pass it with a Clause to suspd execution till His Majesty's pleasure be known.

Crown in so far as it relates to this Plantation, provid^{g} they will insert a Clause suspending the execution and effect of the Act until his Majesty's pleasure be known, as I am directed by my instructions in cases of that nature, that I would

That not relished by the Assembly.

pass it, but that it seems does not relish with them, so the use to be made of

G. Excuse to ye people for their long fruitless session

this, is only an excuse to the people for their long and expensive sessions without doing any business, That Act being of very general and popular concern.

their ill humour grown upon forbearance.

Now my Lords in this wretched posture are our affairs on this side and the ill humour has grown much upon forebearance, the letters wrote to me and ordered

H. The late boards letters concerning ye undutifulness of the Assembly term'd bullying.

to be communicated to them by the former Lords Commissioners of Trade, taxing their conduct with undutifulness disloyalty and disrespect, being intirely disregarded, and even in their house called by the mannerly name of bullying

The reputed friends of the Governt will only support it from year to year

letters, even these who would be distinguish'd by the name of friends to the Government, never think of settling any support otherwise than from year to

year & that

in the pitiful manner it has been lately done, If for some hidden causes that I cannot guess at this Govern^{t} is to be continued on this wretched foot, it will

If tis to be continued on this foot he prays to know it, that he may apply for some station to do His Majesty effectual service & support his own numerous family.

be great charity in your Lordships to acquaint me with it speedily, that I may make it my most humble application to His Majesty to put me into some station how mean soever whereby I may be enabled to do him effectual service, and get bread for a numerous family who's life with my own I have devoted to that use.

I. When the Assembly is up he must attend that of the Jersey's. ill example from New York.

When the Assembly here have done, or done nothing, I am to attend that in the Jersey's, the copy cast to them by this will have influence on that, for

Mr Cox chosen.

M^{r} Cox, by the surprize of an inundation of the Swedes has got himself elected

in one of the

Counties, and the many assurances from him all over that Province that I was actually supersed'd has had great influence over the elections in some other counties, as to the

He can promise nothing from the choice in ye Jersey's.

persons, when they find that they have been imposed upon he may be disappointed in his expectation but I dare promise nothing from the choice which is made.

K As to Dr. Cox's Caveat &c.

As to the Caveat given in by his father and brother, I have nothing to plead

He pleads not Guilty

to't more than if they had accused me of murder and treason, that is the general

And desires the original may be kept safe.

issue not guilty; But I must humbly entreat your Lords^{ps} to give orders that the original may be kept safe until it pleases God to send me to England, for

obvious reasons.

He submits his condition to their Lordships Compassion &c.

Thus humbly submitting my actions to your Lordships scrutiny my endeavours and intentions to your favourable construction and my woful condition to your compassion, I beg leave to subscribe my self,

My Lords

Your Lordships

most faithful and

most humble Servant

R: Hunter

New York
May 21. 1715.

My Lords

P. S. He send the Palatine Accts attested.

I have by this conveyance sent home the correct Journals and Leigers of the Palatine accounts attested in due form, those formerly sent being but hasty copies

Some small mistakes in the former. He prays reliefe in that case.

had in them some small mistakes and omissions, I most humbly intreat your Lordships recommendation for reliefe in that case, if that fails nothing can avail me toward retrieving a very broken fortune, and saving from ruin an innocent suffering family I am ever entirely

Your Lordships
most humble servant
Ro: Hunter

The Council and Assembly of New-York to the Lords of Trade.

[New-York Colonial MSS., Albany., LIX.]

To the Right Hon^ble^ the Lords Commissioners for Trade and plantations.

(A.) The humble Memorial of the Council and Representatives in General Assembly of the Colony of New York in America

May it please your Lordships

His Excellency our Governour having Communicated to us a Copy of a Memorial given into Yo^r^ Lordships by the Earl of Clarendon against approveing of an Act of Assembly past here entituled an Act for payment of the Debts of the Government of New York, We humbly Crave Leave to Lay before Yo^r^ Lordships our Answer to the said memorial as followeth

We know nothing of any Sûms of money being Due to the Lord Clarendon in this province either upon the account of his Salary as Governour or upon account of any Disbursements made by him for the Service of this Government nor does it Seem probable that any thing is due to his Lordship upon those accounts seeing the money given for the Support of this Government Dureing the hole Course of his administration was Sufficient with any tolerable good Management to have Defrayed the proper necessary Expenses of it.

We little Expect to have heard that Act Charged by his Lordship with Injustice in directing the payment of Considerable Sûmes of money where none is really Due, in allowing to others just Debts, to Some one half, to others a third, to others a fourth part and to others Nothing, The Severall Sûmes therein Specifyed and no other being upon a long examination of the particular accounts of warrants by which they were Claimed Resolved by the Legislature of this province the only proper Judges as they Conceive in that Case to be Due to the respective persons to whom they are Directed to be paid —

On the other hand we have reason to believe that had there been any other Just Claims they would have been Exhibited to the assembly after Twenty one months publick notice for that purpose.

We doe not Conceive that the Acts of a prior assembly can bind those of a Subsequent one as his Lordship seems to insinuate But to remove all Doubts of that Nature the assembly have now passed an Act entituled an Act for the better Explaineing one act of General assembly passed in the Year of our Lord one thousand Seven hundred and ffourteen Entituled an Act for paying and Discharging the several Debts and Sûmes of money Claimed as Debts of this Colony to the Severall persons therein named and to make and enforce the Currency of Bills of Creditt to the value of Twenty Seven thousand six hundred and Eighty pounds for that purpose also

to make void all Claims and Demands made or pretended to be Due from this Colony before the first Day of June one thousand Seven hundred and ffourteen and to prevent this Colony from being Indebt for the future which we Conceive will be a sufficient answer to that part of his Lordships Memorial and will leave him at Liberty to apply for a proper remedy if he has any Just Demands upon this Colony.

The Several Sûmes Directed by this act to be paid to the Respective Members of the assembly are in lieu of the wages they would otherwise have received from the Respective Countys and Burroughs they serve And what Session being Cheifly imployed and Drawn out into a great Length by their necessary proceedings on that Bill they thought it more Equitable that the Expence should be born by that fond then by the Countys and Burroughs, nor Did they expect any Gratuity for doing any act of such publick and General Justice and Relief nor Imagine that such a Conjecture Could have been thought of.

We are

New York
20th May 1715.

Your Lordships Most Obedient
humble Servants

Earl of Clarendon to Governor Hunter.

[New-York, B. b., 14.]

(D.)

Maidstone at Sandy Hook
July ye 31st 1710.

Sir

I would not let Collonel De Peyster go without troubling your Excellency with these few lines to return you my most hearty thanks for all your favours, and particularly at my goeing off, it would be a great satisfaction to me if I could be serviceable to you in any thing where I am goeing. Whenever you think I may you shall always find me ready to obey your commands

And now give me leave once more to recommend to your Excellency's protection Mr Anderson the present Sheriff of New York; I know some people will prosecute him with most extream malice, therefore I entreat for your protection for him, till I can write from England which shall be in a few days after my arrivall there. I wish your Excellency all the happiness and satisfaction you can desire in your Governments and intreat you to believe that I am, Your Excellency's

Most faithfull humble Servant
CLARENDON.

Maladministration of Affairs in New-York—1709.

[New-York, B. b., 15.]

(F.)

GRANTS.

Grants have been made of all the lands that could be discovered, some of them in very large tracts and in all that are good and valuable Mr Fauconier and Mr Bridges and sometimes both are Patentees.

Afterwards grants were made of such lands as should hereafter be discovered, as to Capt Symes of all the unpatented lands on Staten Island; by which means severall poor persons who were by the permission and connivance of the government settled on small tracts of land, where neither the persons nor lands were of value to pay the fees of a patent, are lyable (and already threatned) to be turned out of possession; and 'tis said the like grants have been made on Hudson's River. sed de hoc quære.

Where persons have by lycence purchased lands from the Indians, their lands have been granted away to others: D^r^ Staats case concerning Wiwanda.

Grants have been made of lands formerly patented to others, which former patents have thereby (as far as in the Governour and Council lyes) been set aside; so was Newton's patent in effect declared voyd tho' under the seal of the Province, because not found on the Records tho' endorsed by the then Secretary to be recorded; but part of the lands contained in that patent were since granted to the town of Bushwick for £300 (as 'tis said), other part to M^r^ Boudienot in discharge of £300. due for the Lady Cornbury's funeral, other part to M^rs^ Bridges, Capt. Aske, M^r^ Hogland, M^r^ Milward and others for £400. Lands between high water and low water mark on Staten Island lately granted to the City of New York for £300. being the lands and lately in the possession of several inhabitants of that Island, tho now covered with the sea, the land being washed away.

Some, or at least one grant, has been made without advice of the Council, which is conceived to be against the Queen's Commission or instructions, as the house in this City lately burned down, said to belong formerly to Governour Lovelace, and no person claiming from him as heir at law, the same was seized for the Crown, and lately granted privately to Wilson Aske &^c^.

After these transactions a project was set on foot by Act of Assembly to confirm all illegal grants and usurpations on the Queen's lands, but a proviso of saveing the Queen's right being tendered, was agreed unto in the Council and sent as an amendment to the Assembly, to which they would not agree, and the Council insisting on the amendment and giveing their reasons for the same, which did not convince the Assembly, though they did not answer them, so that bill was dropt.

The Revenue.

From the 29^th^ of January 169$\frac{9}{1}$. untill Aprill 1691. customs and dutys were received by the Coll^r^ tho' not warrantable by law, as appears by an Act then past to ennable His Excellency &^c^ and to indemnify the Collector, Laws f. 26. By that Assembly a revenue was granted for two years, Laws f. 21., which by severall acts made anno 1692. 1693. 1695. 1699. & 1702. was enlarged and continued 'till the 18^th^ of May 1709. The first Act says for the better defraying the publick and necessary charges and expences of this Province. None of these acts had any appropriating clause, but by the Governours instructions he is not to permit any of the revenue to be issued forth but by order from himselfe by advice of Her Majesty's Council; hence it followed that whatever was proposed by the Governour to the Council and consequently whatever M^r^ Fauconier demanded was allowed of by the Council and warrants granted accordingly.—So the extravagant charges of one voyage to Albany amounted to near £2200. and no stint was put to the expence of firewood and candles for the Fort. New salarys granted to several officers as in the Custom House and Court of Admiralty, therefore most, if not all, of the payments that M^r^ Fauconier has made, was by virtue of such warrants, which cannot well be examined or controul'd but by the Auditor General his Deputy, or the Assembly, who perhaps may find out other misapplications of the publick revenue.

The Officers of the Government and others to whom money is oweing on warrants, think the late Act for refunding £711.5^{s} misapplyed in the £1800 Tax, very greivous on them, being to be paied out of the revenue which should grow due on or before the third of December then following, being to reimburse Coll: Wenham and M^{r} Fauconier who had misemployed £500. and upwards in the £1800 Tax formerly raised for building Forts &^{c} on pretence that it was employed for the Queen's service in payment of warrants, which the officers say were to defray the extravagant expences in the Albany voyage; which, if they ought to have been paid should have given place to salary warrants. Nor was there any reason to forestall the revenue and raise an interest of ten per Cent, to be paid out of the revenue, if that money had been employed in paying salary warrants then due; they say 'tis plain that Coll: Wenham and M^{r} Fauconier did not discharge their duty, and if they are moneys out of pocket there is no reason they should be reimbursed out of moneys due to others who have discharged their dutys; and the question is whether a revenue granted to the Queen can be taken from Her Majesty even by Act of Assembly without Her Majesty's or the Lord Treasurer's express directions for passing the same

The Officers likewise suffer £500 and upwards by two Sallarys taken for the same office (viz^{t}) by M^{r} Fauconier and M^{r} Byerley, whereas if M^{r} Byerley's suspension was lawfull, then the appointment of M^{r} Fauconier was so to, and M^{r} Byerley ought not to receive his salary dureing that time; if the suspension was unlawfull, then M^{r} Byerley ought to receive the salary, and M^{r} Fauconier must apply to him that set him on work, for his wages, or else must loose his labour; but a double salary ought not to be paid out of the Queen's revenue for the same office, at the same time. Of the same nature they think is M^{r} Byerley's detention of £200. and upwards for his salary, before he publishd his commission here, which could never be intended to be provided for by the Act of Assembly of this Province, and tho' there may be such directions in his patent 'tis not the first time the Queen has been deceived in her grant, which when it happens makes that part of the grant void, and it cannot be intended that a salary shall be paid to persons that are lawfully appointed and doe their duty here, and the same sallary allowed to another that is in England and does nothing for it; and this was refused M^{r} Byerley upon his first coming, and he seemed to acquiesce under it, 'til his suspension, and 'tis thought a hardship on the officers of the government that when M^{r} Byerley was suspended M^{r} Fauconier should be put in commission on purpose, as they imagine, that he should pay himself y^{e} £2000 or thereabouts which he pretended he disbursed for the government whereas if the same were bona fide due to the said Fauconier, which they deny, yet salary warrants ought first to be payd, and they think still harder on them that when M^{r} Byerley was restored, viz^{t} on or about the first of February $170\frac{6}{7}$. that M^{r} Fauconier should detain in his hands recognizances for Excise due and payable the 18th of February and the 18th of May following, when the condition of those recognizances was for payment of money to the Queen's Collector or Receiver General, which M^{r} Fauconier could not pretend to be after M^{r} Byerley was restored; and while there is a Receiver Generall appointed by Her Majesty and not suspended, the Governour and Council cannot appoint another person to receive all or any part of Her Majesty's revenue, and they believe that Coll: Quary who is Her Majesty's Receiver Generall of the Customs would not concern himself with the disposition of the Excise that was granted to Her Majesty by an Act of Assembly of this Province, and if he should, that it cannot alter the case, and they look on M^{r} Fauconier's pretences that the recognizances were burnt, to be a fraud to deceive the Queen, as was likewise his obtaining and influencing several

of the Council to refuse to sign a report agreed unto by them at a Committee on a reference from the Council; as likewise was his memorial to the Council in answer to Mr Byerley's letter to my Lord Treasurer and the answer to the said memoriall drawn up by himself and written in his own or his wife's hand and read by the Governour in Council, design'd to be their answer, to the purport of which most of them agreed and voted that the property of the recognizances was altered from the Queen & vested in Mr Fauconier; it appearing on his account that he had expended money for the Queen and thereby the Queen was indebted to him, which they believe would appear otherwise on ye audit of the proper officer; but taking it for granted, they say that the bond or recognizance given to the Queen or what is best the money due thereon is a chose in action, the property of the debt is in no person til the money be recovered and received and that no private person can assign such thing in action, to another; the Queen indeed can, but it must be by her own act, not by the fraud contrivance or management of another, or by operation of law; they say that private persons cannot set one debt against another of the same nature, much less a debt on simple contract against a recognizance, and still less pretence there is for doeing it where a third person is concerned; therefore they say that if B has laid out money for A. and meets with a bond in which C is indebted to A., B cannot detain that bond to satisfye the debt owing to him from A. and pretend the property is altered; and if this cannot be done in the case of a private person, why shall it be where the Queen is concerned. They farther add that ye Council hath no power or jurisdiction to determine property, and they cite the Statute 17. Car. 1. Cap. 10. for regulating the Privy Council, where it is declared and enacted that neither His Majesty nor His Privy Council have or ought to have any jurisdiction power or authority by English bill, petition, articles, libel, or any other arbitrary way whatsoever, to examine or draw into question determine or dispose of the lands tenements hereditaments goods or chattels of any of the subjects of this kingdom, but that they ought to be tried and determined in the ordinary course of Justice and by the ordinary course of Law; and they conceive that if the Council cannot doe so in the case of the subject neither can they doe it in the Queen's case, especialy where so many of her subjects are concerned in interest, as are all the Officers entituled to salarys and others for whose benefit ye revenue was granted; and although the Governor and Council have power to order the issueing out of the revenue when collected, yet they cannot order any other person than the Receiver Generall to receive and collect it. Therefore humbly hope that the order made in Council in yt matter relateing to Mr Fauconier is void in its self, and the Proclamation grounded thereon illegal, and therefore pray that the one may be recalled and the other vacated.

Courts of Common Law.

The Courts of Common Law haveing been sunk as before is observ'd under ye title Chancery, the were revived and established by the Earle of Bellomont, 15 May 1699. the ordinance was penn'd much after the same manner as the Acts of Assembly had been; that Ordinance was altered by the Lord Cornbury 3d April 1704 cheifly in these three particulars the Terms, which were but twice in the year before that, were then made four; Secondly, each Term had but one Return before, now two; Thirdly, causes under twenty pounds might not be commenced in the Supream Court, now they may. Coll. Fletcher would never meddle with nor hearken willingly to any discourse tending to the decision of property, declareing often that he had nothing to doe with things of that nature 'til they regularly came before him by

appeal or writ of errour; Of late years the Docquett of the causes depending in the Supream Court must be brought to the Governour and those persons countenanced who were for trying in their common discourse before him all causes depending in the Court, and then every one would be for giveing his opinion, and the Governour's was the law, and so the Judges and their proceedings censured. In the Jerseys it went a little farther, for the Governour would order his affaires so as to be always resident where the Supream Court was held, and sometimes at Special Commissions, as the last Summer in Monmouth County; which was look'd on by all persons to be designed to awe and influence the Courts, and when indictments as in the last Supream Court at Amboy, were found by the Grand Jury and presented to the Court against severall persons for forgery, perjury, barretry, prophanation of the Sabbath, and adultery, and the Queens Attorney Generall moved for process thereon, which the Court awarded; because the persons thus presented were favourites of the Governour, the Attorney Gen^{ll} was suspended (tho' since on application restored) and the same was threatned to the Chief Justice, and he was by the Governour in publick company more than once reprimanded for receiving those indictments, and told he ought not to have done it, but to have reprimanded the Grand Jury for presenting them, neither ought he, as the Governour said, to have awarded any process on them tho' moved for by the Queen's Attorney, and what he might have taken out of course without any motion to the Court; but being moved for, the Court could not refuse granting it without denying justice.

The Governours granting warrants in his own name.

The King cannot arrest any man for suspicion of treason or felony as any of his subjects may, because if the King does wrong the party cannot have his action;—If the King command me to arrest a man and accordingly I doe arrest him, he shall have his action of false imprisonment against me, albeit he was in the King's presence, Coke 2^{d} Inst: 186, 187, and the reason holds the same with relation to a Governour; vide the case of Sir R. Button vers^{s} Howel & alios, Executors of Sir John Witham compar'd with the Statute 11 & 12 Will 3^{d} concerning Governours of Plantations. The granting such warrants seems rather a diminution of, than any addition to, his grandeur, since 'tis no more than what every Justice of peace can doe and will doe it upon the Governours intimation, if it legally may be done, but if not why should the Govern^{r} intermeddle with it.

Besides the trouble a Governour brings upon himself, and the hazard he may expose himself to by so doeing, if he mistakes the law. The mischiefs the subjects lay under by it are many. 1st Tho' it be for an offence where the person is bailable, yet many persons will be afraid and refuse to bail a person taken up and committed on the Governour's warrant. 2^{dly} when a person hears that a warrant is issued forth against him, he may to prevent trouble goe before a Judge or Justice of Peace as the case requires and give bail and thereupon obtains a supersedeas to that warrant, but no person will take upon him to grant a supersedeas to the Governour's warrant.

Huy and Cry.

Of the same nature is the Governours granting Huy and Cry; by the Common law on a
3. Inst. 116 felony committed the Constable might and ought to levy huy and cry, so he may and ought to do still in some cases, and where the Justices of Peace by Stat. 4 E. 1. de Officio Coronatoris and 13 E. 1. C 1. and other statutes, are informed to levy huy and cry, they are punishable if they doe it not, and so are the Constables where they are impowered to doe it;

yet the Governour here reprimanded the Cheif Justice of this Province for granting a Huy and Cry after a person that burnt part of and then broke out of the Common Goal, the Governour claiming, the sole power of granting Huy and Crys. Upon what ground that motion was framed I know not, unless from a fee of 3^{s} in the blind table of Fees of this Province which the Assembly omitted in their late Bill of Fees, and the insisting on it is not only directly repugnant to the laws of England, but would tend to the escape of all fellons especially when the offences are committed at any distance from the Governour.

(Indorsed)

" Acc^{t} of Maladministration in y^{e}
" Gov^{t} of New York written by the
" late Chief Justice Mompesson,
" under the heads of Grants,
" Revenue, Courts of Common
" Law. Gov^{r} granting warrants
" in his own name, & Hue & Cry.
" Referr'd to in Brig^{r} Hunters lre.
" of 21st May 1715."

Order in Council approving Governor Hunter's Instructions.

[New-York Entries, J., 309.]

At the Court at S^{t} James's the 17th of June 1715

PRESENT— The KINGS MOST EXCELL^{t} MAJESTY in Councill.

Upon reading this day at the Board a Representation from the Lords Comm^{rs} for Trade & Plantations, dated the 6th of May last, with draughts of four instructions to Brig^{r} Hunter to be Governor of New York and New Jersey in America, relating to the Government of the said Provinces, and to the Acts of Trade and Navigation there, which are to the same purpose as the last he had, and there being a Vacancy in the Councill of New Jersey, the said Lords Commissioners have therefore add the name of David Lyol to the list of Councillors being recômended, as a person fitly qualify'd to serve his Majesty in that Station, His Majesty in Council approving the same, is pleased to order as it is hereby order'd, that the Ri^{t} Hon^{ble} James Stanhope Esq: one of his Maj$^{ty's}$ Principal Sec^{ys} of State, do cause the said Draughts of Instructions (which are hereunto Annex'd) to be prepared for his Majesty's Royal signature Accordingly.

JA: VERNON

Order in Council confirming the Acts for laying an Excise and paying the Public Debts.

[New-York Entries, J., 310.]

At the Court at S^{t} James's, the 17th day of June 1715.

PRESENT— The KINGS MOST EXCELLENT MAJESTY.
His Royal High^{s} y^{e} Prince of Wales.

Lord Chancellor.	M: of Annandale.	E: of Aylesford.
Lord President.	Earl of Dorset.	Visc^{t} Townshend.
Lord Chamberlain.	E: of Manchester.	L^{d} Coningsby.
D: of Montrose.	E: of Carlisle.	M^{r} Comptroller.
D. of Roxborough.	E: of Cholmondly.	M^{r} Sec^{ry} Stanhope.
D. of Kent.	E: of Loudon.	S^{r} R^{d} Onslow.
L: G: Chamberlain.	E: of Islay.	M^{r} Walpole.
Marq^{s} of Dorchester.	E: of Uxbridge.	M^{r} Erle.

Whereas, by Commission under the Great Seal of England, the Governour, Council and Assembly of His Majesty's Province of New York in America, are authorized and empow'd to make, constitute and ordain Laws statutes & ordinances for the publick peace, welfare and good Gov^{t} of the said Province, which laws statutes and ordinances are to be as near as conveniently may be, agreeable to the laws and statutes of this Kingdom, and to be transmitted to his Majesty for his Royal approbation or disallowance of them, and whereas in pursuance of the said powers, two laws pass'd in the General Assembly of the said Province have been transmitted from thence, the titles whereof are as follows, Viz^{t}

An Act for laying an Excise on all strong liquors retailed in this Colony.

An Act for paying & discharging the several debts and sums of money claimed as debts of this Colony to the several persons therein named, & to make and inforce the currency of bills of credit to the value of 27680^{li}, for that purpose, Also to make void all claims and demands made or pretended to be due from this Colony before the first of June 1714, and to prevent this Colony from being in debt for the future.

Which said laws having been perused and well considered by the Lords Commiss^{rs} for Trade and Plantations, and [by] them presented to this Board with their humble opinion that the same be confirm'd, as being of service to the inhabitants of the said Province: His Majesty this day taking the same into Consideration, is graciously pleased with the advice of his Privy Council, to declare his approbation of the said Laws, and pursuant to his Majesty's Royal pleasure thereupon, the said laws are hereby confirmed finally enacted and ratified accordingly.

JA: VERNON.

Lords of Trade to Governor Hunter.

[New-York Entries, J., 302.]

To Rob^{t} Hunter Esq^{r}

Sir,

We have now before us your letters of the 27th of Augst, 18 of October, 8 and 25 of November 1714, and 28 March 1715, We have also seen those you have writ to our Sec^{ry}

of the 10th of Septr 1713, 7th of May, 18 of October and 8 of Novr 1714 and 28 March and 9 of April 1715.

The great hurry of business we have been in since his Majesty has been pleased to intrust us in the Commission for Trade and Plantations, has prevented our corresponding with you as we would have done, but we doubt not that after a little time, we shall be able to do it regularly, In the mean time, we desire you would be very punctual upon the several Articles of your instructions in your correspondence with us, particularly in giving us the best accounts you are able, of the state of the Provinces under your Government, of the state of ye Palatines, and whether if the design of producing Naval Stores at New York should be again revived, the trees prepared by them wou'd be of any use after such an interval of time, as we perceive there has been since those trees were fitted for cutting. we desire allso an Account of the five Nations of Indians and River Indians, how far they may have been seduced by the French, and what you can propose to regain & secure them in our intrest for the future, and whether you have yet been able to bring them to reason in relation to the Tuscaruro Indians.

We likewise desire to be informed whether you have any prospect that the Assembly of New York will come in to settle an established Revenue for the support of the Government, that we may know how to proceed in Our representations to his Majesty in order to the settling of such a revenue by Act of Parliament here, in case the Assembly still refuse to do it.

We further desire you, by the first opportunity to send us a compleat list of the names of the present Council of that Province, and together with that another list of the names & Characters of such persons as you think proper to supply the vacancies that may happen, either in the Council (according to his Majesty's instructions) or in any other office wherein they are to be confirmed by his Majesty's approbation,

We desire you to inform us what number of inhabitants there are within that whole Province, what freemen, and what servants, white and black.

To what degree are those numbers increased decreased since your entrance upon that Government or since the last estimate, that you understand to have been made of them.

What do you conceive most proper to prevent the removal of the inhabitants out of that Province into any of the neighbouring Colonies?

What is the whole number of the Militia of that Province?

What Commodities are exported from that Province to England?

What trade is there, either by exportation or importation, with any other place, and from whence is that Province now furnish'd with supplies (particularly of any manufactures) that it was wont to be furnished withall from England?

How and in what particulars is ye trade of that Province increased or decay'd of late years, and what has been the reason of such increase or decay?

What are the present methods used to prevent illegal trade and what further methods do you think adviseable for that purpose?

What number of ships or other vessels are there, belonging to that Province, and what number of sea faring Men?

What number and what sorts of those vessels, have been built there?

We find by a letter from the Lord Cornbury and Mr Heathcote that the linnen and woollen manufactures are greatly increased at New York, in so much that near two thirds of what is used in that Province is there made, which if not prevented will be of great prejudice to the trade of this Kingdom. We desire you therefore to give us as particular an account as possible of

this matter, both with regard to the quantity and goodness of the said Manufactures, with your opinion what may be proper to prevent that growing evill, in order to our taking such measures here, as may be found convenient, In the mean time it is necessary that you give these undertakings all the legal discouragements you can.

It has been impossible for us as yet to consider the Acts of the two Provinces which you have sent us, however we have read and examined the two New York Acts for laying an excise on strong liquors, and for paying the debts of the Government, & his Majesty on our representation of the 6 of May last was graciously pleased on the 18th instant, to confirm the same, the orders for which will be sent you by Mr Orby, by this conveyance.

Upon this occasion, we cannot but observe to you, that we have not before us the minutes of Council and Assembly when those Acts were pass'd which wou'd have been a help to us in examining the same, and therefore we must desire that you will be very punctual in transmitting to us such minutes for the future.

The paper you mention to have sent to Earl of Stair, are not yet come to our hands, his Lordship being employ'd by his Majesty at the Court of France, And as we do not foresee when he may return, we think it may be of service that you send us duplicates thereof by the first conveyance.

To all which enquiries, and to all such other matters as are required by your instructions to be communicated to this board, we also further desire you to add whatever else you may in your own prudence think conducive to his Majesty's service, to the interest of England, to the advantage of that particular Province, and to our Assistance in the discharge of the trust reposed in us.

We have only to add that we shall be very ready upon all occasions to do all that in us lyes, that may conduce to his Majesty's Service, the good of the Province and your particular intrest in the execution of your Commission, so we bid your heartily farewell and are,

Your very loving friends
and humble Servants

Ro: Molesworth
Jo: Cockburne
J. Chetwynd
Cha: Cooke.

Whitehall
June ye 22. 1715

P. S. We shall not omit taking ye first opportunity of considering the Acts of New Jersey, as well as those of New York, remaining with us.

Colonel Nicholson to Secretary Popple.

[New York Entries, J., 312.]

ToWm Popple Esq: Secretary. To the Right Honble the Lords Comrs for Trade and Plantations.

Sir,

A little while ago, I received a letter from Mr Riggs and enclosed I send you a paragraph of it, which confirms me in the opinion I always had, of the French's designs and endeavours

by all ways and means to get those five nations to their interest, and I never in the least doubted of their endeavours likewise to stir the other Indians to make war upon his Majesty's subjects on the Continent of North America, and I suppose that they and the Spaniards at S^{t} Augustine have instigated the Indians to fall upon South Carolina.

And you may remember that I often said that the French in time of peace were more capable of supplying the Indians with arms, amunition, &^{c} than in war, because half if not more of their ships bound to Canada were then taken and that so long as the Priests and Jesuits are amongst the Indians, they would endeavour to set them at variance with the English, that the french will furnish them with officers, whom to know from Indians is difficult because several have been bred up amongst them, and are drest and painted as they are.

I hope you'l excuse this trouble given you by,

Sir,

Your most humble Servant

London
July 1715.

Francis Nicholson

Last week an express came down from our frontiers, that the Gov^{r} of Canada is very busy, tempting our five Nations to come over to them, there being great presents sent them from the King of France, We hope it will not take, but if it should, none knows the consequence of it better than your honour do

The above is a paragraph of a letter dated at New York, June the 11th 1715, from Capt^{n} John Riggs to

Fra: Nicholson

Governor Hunter to Secretary Popple.

[New-York Entries, J., 315.]

To W^{m} Popple Esq :

Sir,

I have little to add to the duplicates, only to hint what I have wrote at large to the Sec^{ry} of State about the Indian war in Carolina, Our Assembly will do nothing for their relief, I am endeavouring to engage our Indians in war with those who attack them if possible, but their interposition being rejected last year, I shall have the worse success in this, I shall however do my best.

The French are debauching our five Nations, contrary to the Treaty of peace, of which I have also complain'd, and sent an express to Canada, to remonstrate the danger of these proceedings, happy he, who has nothing to do with those Colonies, upon the foot they stand they run a risk of an intire and speedy ruin, I am with great truth

Sir,

Your most obliged
Humble Servant

New York
July 2^{d} 1715.

Ro: Hunter

Governor Hunter to the Lords of Trade.

[New-York Entries, J., 320.]

To the Right Hon^ble^ the Lords Com^rs^ for Trade and Plantations.

My Lords

A. He sends two Acts one for settling a revenue and another for a general Naturalization.

With this your Lordships will receive an Act of Assembly of this Province, for settling a Revenue for the support of his Majesty's Government for five years, and another for a General Naturalization of which be pleased to take the following plain & true history;

His observations on and reasons for passing them.

Finding as I had the honour to inform your Lordships in my last that the Naturalization Bill was the block laid in the way of the revenue, and that by the expulsion of M^r^ Mulford, that part of the house which was in earnest about it had got the majority, and having represented to both houses as the best means to carry that bill, that it should either be sent home to His Majesty for directions to me to pass it or a clause added to't, suspending its force until his Majesty's pleasure should be known, I say, having strongly insisted upon these methods to no purpose, I at last asked them what they would do for the Government if I should pass it in their way, since they did not like mine, I asked nothing for myself, tho' they well knew that I had offers of several thousands of pounds for my assent, they at last agreed that they would settle a sufficient Revenue for the space of five years on that condition, many rubs I met with, but at last with difficulty carry'd it through both parts of the Legislature, and assented to both at the same time.

If I have done amiss, I am sorry for't, but what was there left for me to do, I have been struggling hard for bread itself for five years to no effect, and for four of them unpitty'd, I hope I have now laid a foundation for a lasting settlement on this hitherto unsettled and ungovernable Province, as your Lordships may be further inform'd by some remarks which I shall make on the bill.

The main objections which I find are made by those who are no friends to the thing, as well as opposers, of the bill, are these; first, that the Assembly Mens allowance are to be paid out of the Revenue, I wish they had been always so, which would have made it no hard task to settle a Revenue, but the Assembly Men being by a former Act (approved by Her late Majesty) paid by a county Tax, the keeping matters unsettled created a necessity of their frequent meetings, by which means they were gainers, and the Government starved, I did all I could to have these allowances thus paid during the whole time for which the Revenue is settled, but was forced to take up with this as a tryal for one year, which making an interruption in the old method of payment, and being a considerable ease to the County's, I make no doubt but the members will return instructed to continue this method by an Act, and to repeal the other which as been of so pernicious Consequence to the Government and people, besides this is in conformity to my instructions, for in these relating to Jersey's (where there was no settled Revenue) I am directed to use my endeavours to procure an Act for a Revenue, and in that Act to take care that due Provision be made for the contingent charges of Council and Assembly; If the Council here are so self deny'd as to decline such allowances, or not to insist upon't, I am the more oblig'd to them, and it is their own consent has excluded them, neither has there been any President for such allowance here,

The other objection which may be made, but was not offered as an amendment by the Council, and which has indeed made weight in it, is that the mony is lodged in the Treasurers hands.

For this I have to say, that it was done by the receiver General's consent & approbation, who I must own, to his praise, had the virtue to give the casting vote (being Chairman of the Committee) against all the amendments which were offered and intended to destroy the bill, he has his salary and perquisites of his office as before, the last increased, and is only eased of some trouble and expences, the striking of mony bills to the value of 6,000^{li} for the present uses mention'd in the bill, and these bills being lodged in the Treasurer's hands (no Act could lodge them otherwise) to be sunk yearly at the rate of £1200 p^{r} Annum, made it necessary that the mony should be so lodged that was to sink 'em.

In the next place, the naturalization bill in its long preamble speaks sufficiently for it self, and if it be an act that may receive His Majesty's approbation I am very confident it will have this good effect, that it will unite the minds of by much the Majority of the people here, who are most considerable either for trade or estate, in a thorough good disposition for his future service, if it may not, I can see no harm in suffering it to lye upon your Lordships table for some time

B. Another Act passed relating to sales by Vendue or Auction is sent.

The other Act relating to sales by Vendue or Auction, I think has little to be said for it or against it, otherwise than as the parties who are interested shall chance to offer it, the shopkeepers of New York are for it, the generality of others against it, so I leave it to your Lordships, and have pass'd it as an Act which had the approbation of the two parts of three of this legislature without enquiring strictly into any of its consequences, but I must affirm that those who get most by it, have deserved least of this Government.

He'll send several other bills by the next conveyance.

Several other bills lye before me for my assent which shall be (so many as shall receive it) transmitted to your Lordships by the next conveyance.

C. The Assembly of the Jersey's adjourn'd, for why

The Western division in danger of Confusion from Mr. Cox &ca. He reffers to a paper marked D for particulars.

The long session here has obliged me to adjourn the Assembly in the Jerseys till the harvest is over, that is to the first of September, what is called the Western division in that Province is in danger of confusion by the means of M^{r} Cox & his party. the paper marked D. will inform your Lordships in part, of their present dispositions, the grand Jury have presented and the Justices bound over the signers and promoters of it, when the affairs in this Province shall give me leave to attend these in the other, I'm confident I shall make all easy there, there being no real ground for their uneasiness, unless it be in their nature, for they are all from New England who have signed it, but whether they be a true sample of the body of the people their, or only a sett of unquiet and restless men, who could be easy no where, and so left that Province for this, I cannot determine but this I confidently affirm that all the oposion and vexation I have met with in both these Provinces has been in a great measure owing to those who have come to us from that,

The paper sign'd by the New England men.

from whom he has receiv'd all opposition.

D. He has sent to perswade the five Indian Nations to make war with those that attack'd Carolina.

The Sesquannas have taken thirty Prisoners which he hopes will soon put an end to the war.

I have sent Messengers to our five Indian Nations to perswade them to make war upon these who have lately attacked Carolina, as also to the Indians on Sesquanna, to encourage them to go on in their attempts upon 'em, these have lately brought home 30 prisoners, this I take to be the effectual way to put an end to that war, I shall acquaint your Lordships with the result, it is matter of wonder, that hitherto no effectual method has been thought of for uniting the divided strength of these Provinces on the continent, for y^{e} defence of the whole.

E. He intends to meet the deputies of the five nations, to desire their interposition in ye Carolina war, and to prevent some disorders occassion'd by some Palatines. He was obliged to disarm them.

Since the writing of what is above, I have resolved, by the advice of the Council, to go myself to Albany to meet the deputies of our five Indian Nations, as well to perswade them to interpose in ye Carolina war as to prevent some confusion Created amongst them by some turbulent Palatines settled near them, contrary to my express orders and proclamations one Jean Conrad Weizer, who was the leader of that sedition, which obliged me to march with a force to disarm them, is the chief promoter of this, he with his Crew has pulled down a Mans house in the neighborhood, is since fled to Boston, I have wrote by the advice of the Council here, to have him apprehended there, in order to his being brought to Justice for a terror to the rest, He gives out that he is bound for England instructed by the Indians.

The Ringleader he hopes to bring to Justice. but hears he's bound for England.

I must humbly implore your Lordships assistance for relief in my several sufferings with which you are not unacquainted, and which but for the hopes I have built on your Justice and Generosity would be insupportable, and begg leave to subscribe myself,

My Lords

Your Lordship's

most faithful and

most humble Servant.

ROB: HUNTER.

New York
July 25th 1715.

P. S. A list of Acts passed, to be sent,

The other Acts passed this Sessions, and which shall be transmitted by the first conveyance after they are ingrossed, are as follows;

1. An Act for appointing an agent and directing the treasurer of this Colony to pay the sum of 500 ounces of Plate yearly to John Champante agent, to negotiate the affairs of this Colony at the Court of great Brittain.

2. An Act for continuing an Act of General Assembly entituled an Act for appointing Commissioners to let to farm the excise throughout this Colony.

3. An Act for reviving & continuing an Act entituled an Act to prevent the runing away of Negro-Slaves out of the City and County of Albany to the French at Canada.

4. An Act for the better repairing the fortifications of Schenectady in the county of Albany, and Providing their Military watch with firewood.

5. An Act continuing an Act entituled An Act for the easier partition of Lands in joint tenancy or in Common.

6. An Act for the Treasurers paying several persons therein named, and for paying the excise in arrear to ye Treasurer.

7. An Act to relieve Rob: Lurting, Vendue Master, of the Province of New York, from divers penalties in a certain Act of General Assembly made in the 12th year of Her late Majesty, entituled an Act for laying a duty on goods sold by publick Vendue or Outcry.

8. An Act for building a County House and Prison in Dutchess County within this Colony.

9. An Act for relieving the inhabitants of South Carolina from ye duties laid and paid in this Colony of New York, for such goods, Slaves & Merchandizes as they shall import into this Colony during the time of six months.

10. An Act to oblige the inhabitants of each particular ward within the City of New York, to make good their respective Quotas of all publick Taxes.

11. An Act for the better repairing the fortifications of the City of Albany, providing their Military watch with firewood, and discharging of other the publick and necessary charges of the said City.

12. An Act for the distroying of wolves in the county of Orange.

13. An Act for repairing y^e^ County House & Prison in the County of Ulster.

14. An Act for declaring John Sloss free from the duty of Tonnage.

15. An Act to exempt Han^a^ Martin Doctor Christ^r^ Cooper and M^r^ George Smith from the payment of the Tax for 12 Negroes imported from South Carolina.

16. An Act to enable Sarah Crego the widow of Ric^d^ Crego, late of the City of New York, mariner deceased, to sell a lot of land in the said City.

17. An Act for discharging of Captain Peter Van Brugh and Hendrick Hansen Esq: of the city of Albany for and concerning the provisions, ammunitions and other stores of war formerly in their hands belonging to this Colony.

Agency Act now sent.

I have sent the Agency act by this conveyance, and shall remark upon it by the next.

He has made Lewis Morris Esqr Chief Justice in the room of Mr Mompesson deceased.

I formerly acquainted your Lordships with the death of M^r^ Hempesson[1] and that I had Commissionated Lewis Morris Esq: Chief Justice in his room, conceiving him to be the fittest person for that trust in this place, And he having by his labours and industry in the Assemblies, deserved well of the Government and to that it is in a great measure we owe our present settlement, so I humbly entreat your Lordships not to give way to any applications in favours of any other, and that you will be pleased to recommend George Clark Esq: Secretary of this Province, to his Majesty to fill M^r^ Mompesson's room in the Council here, he having a power in his patent to execute his office by a deputy. I am

My Lords

Your Lordship's

most obedient

humble Servant

Rob: Hunter

Governor Hunter to the Lords of Trade.

[New-York Entries, J., 361.]

To the Right Hon^ble^ the Lords Commiss^rs^ for Trade & Plantations.

My Lords,

A. He sends all the Acts passe^d^ the last session with a list.

His observations upon the Act for constituting an Agent.

By this conveyance (the Brigantine John and Mary M^r^ Bayard master) your Lordships will receive all the Acts past in this last session of the Assembly, the paper marked (A) contains their titles, I know of none that require any particular observations besides these upon which I have already observed, if it be not the act constituting the Agent, I formerly sent to your board a Copy of the extravagant Act for that purpose, which they so long and strenuously insisted upon excluding the Governor and Council from having any thing to do with the Agent, they pass'd and sent up the same verbatim

[1] *Sic.* — Ed.

as formerly, I frankly acquainted the Majority of the house, who were in earnest about an Agency at this time in order to the soliciting the bills for publick debts and Naturalization that I could not assent to it, so they were satisfyed to take back their bill & new Garble it as it now stands, not that I conceived that there was any thing very material in the point of who should instruct their Agent, but there is something of moment in giving way to the endeavours at incroachments on the powers of Governor & Council in these remote parts of which I believe your Lordships are sufficiently convinced what made me labour this point with some industry and application, besides the necessity of such an officer, was the choice of the man whom your Lordships will find every way qualify'd for that office.

who is a man every way well quality'd for the office.

B. He's going to an interview at Albany with the Indians His hopes of their interposing in the Carolina war.

upon which he has written to the Govr of Carolina. No other way to put an end to that war He has sent them Arms & Ammuniti-n

In two day I begin my journy to Albany to have an interview with the five Nations, I have strong hopes of perswading them to interpose in the Carolina war, if that Government will send terms of accommodation with their Indian enemy's I am confident that our Indians will offer and inforce them I have wrote to the Governor to that purpose and there is no other way devisable to put an end to that war and restore that Colony to its former tranquility I have sent them also some arms & amûnition from his Majesty's stores here.

C. His Commissions for these Governmts lately received He's amazed at the opposition to their passing

I have lately received my Patents for the Govern[t] of these Provinces, I am amazed to hear of the opposition some men made to their passing, and the more so because there is not one man found out hitherto in either Province who does not in terms renounce and deny having any hand directly or indirectly in instructing or encouraging these men who have given themselves and my friends all this trouble, I know nothing at all of Sam[l] and Dan: Cox citizens but as to M[r] Sonmans I have formerly informed your Lordships that he had fled from prosecution for having carry'd out of the Province of Jersey and imbezeled all the publick records which were seized by an accident at Burlington in their passage from New York to Philadelphia under a permit as a chest of goods, he is indeed one of the most infamous men in those parts, and his life and conduct is to foul to be the subject of any letter which your Lordships are to read.

He knows nothing of Sam: & Dan: Cox. but gives Sonmans character & behavir

Account of Mr Vesey's attempts against Brigr Hunter.

The other person the Rev[d] M[r] Vesey had laboured hard for a persecution ever since I had the honour to Govern here, but to no purpose, so at an interview between him and a very great man then at Boston it was resolved that he should go for England and cry out fire & church at all hazards, and accordingly he went in the manner your Lordships have hear, but that plot in all other of its parts so well concerted happen'd to be deficient in the point of time & season and the rage of a disappointed polititian prompted him to join in these impotent and unchristian efforts against me, He has wrote to his friends here that he is to return with the character of Commissary to the Bishop of London, I have wrote to his Lordship that I can hardly believe it, since there is a happy issue put to the confusion at home, it is to little purpose to propagate what was by the means of that man raised here, which cannot be his Lordships intention tho' it may have that effect.

He has write to the Bishop of London about Mr Vesey.

D. Persons recommended to be Councillors in New Jersey & New York.

There are wanting three Councillors in the Jerseys in the room of M[r] Quary, M[r] Mompesson and M[r] Hall deceased, I humbly recommend in their rooms David Jamison the Chief Justice of that Province David Lyel a proprietor there and John Bumbridge another proprietor of the Western division I have recommended George Clark Esq[r] in my former to the place vacant in y[e] Council of New York by the death of M[r] Mompesson.

E. He has not yet received his New instructns. He will punctually observe them when received.

I have not as yet received my New Instructions Your Lordships may depend upon it that I shall not step aside in one single point from what shall be there injoined me, whatsoever these ill men may have represented or may hereafter represent. And this I take to be the best way to entitle myself to the honour of being

My Lords

Your Lordships

most humble and

most obedient Servant

Ro: Hunter

New York
Aug: 13th 1715.

F Minutes of Council sent.

By this Your Lordships will receive the Minutes of Council but those of the assembly being not yet copied out Your Lordships will receive them by the next conveyance.

Lords of Trade to Governor Hunter.

[New-York Entries, J., 317.]

To Robert Hunter Esq:

Sir,

Since our letter to you of the 22d of June last, a duplicate whereof is here inclosed, we have received yours of the 21st of May 1715, with the several paper therein referred to, and books of the Palatines accounts, and have seen your letters to our Secretary of the 21st of May, and 2d of July last.

Tho' we cannot at present fully answer your forementioned letters, we would not omit the opportunity of a ship which is going hence for New York in a few days, to acquaint you that notwithstanding what you mention of your having writ at large to the Secretary of State about the Indian war, we have laid before Mr Secretary Stanhope a Copy of yours to our Secretary of the 2d of July, with extracts of such other advice as we have received upon that subject, and have represented the ill consequence of your not being able to make the usual presents to the five Nations of Indians, whereupon we doubt not but you will soon receive His Majesty's pleasure.

And in regard it is of great importance that the Missionaries sent into America from hence be men of good lives & Characters, without which it will be impossible to defeat the practise of the french Priests and Jesuits amongst our Indians, we have not been wanting to represent to ye Bishop of London what you writ some time since to our Secry relating to that matter, and particularly concerning the Character of Mr Talbot.

We have laid the Act of New Jersey to impower Thomas Gordon Esqr[1] Treasurer of that

[1] Thomas Gordon was a native of Pitlochie, in Scotland, and immigrated with his family to New Jersey in 1684, where he purchased a plantation in the neighborhood of what is now called Scotch Plains. He filled various offices under the proprietary government in East Jersey, of which province he was Attorney-General in 1698, and Chief Secretary and Register in 1702. He was licensed as an attorney in 1704, and from the surrender of New Jersey to the Crown, until 1710, represented Perth Amboy in the Assembly, of which body he succeeded Samuel Jennings as Speaker. In 1709, he was appointed Chief Justice of the Supreme Court, but in consequence of Lord Lovelace's death, relinquished his seat on the Bench and accepted the appointment of Receiver-General and Treasurer of the Province. He died in 1722 and was buried in the Episcopal Churchyard at Amboy, where a Latin inscription on the stone that marks his last earthly abode, commemorates, in touching and graceful terms, his worth and virtues. *Field's Provincial Courts in New Jersey*, 87.

Province to pay £999.13s.3d. towards the support of the Governmt &c before his Majesty for his Royal approbation, and so soon as there is any order thereupon, it shall be transmitted to you.

The Maps we have at present of America, being not so correct or particular as we cou'd wish, we desire you will send us the best Maps, you can get of New York and New Jersey, and likewise of any of your Neighbouring Colonies, or others which you can at any time procure. So we bid you heartily farewell, and are,

Your very loving friends
and humble Servants,

Jas: Astley
Ro: Molesworth
Cha: Cook
Jo: Cokburne
Jo: Chetwynd
P: Doeminique

Whitehall
Aug: 18. 1715.

Mr. Lodwick to the Lords of Trade.

[New-York Bundle, Bb., 2.]

To the Right Honorable the Lords Commissioners for Trade & Plantations.

My Lords

Understanding your Lordships have now under Consideration the deplorable condition of Carolina occasioned by the insurrection of the Indians there, and fearing thos Indians also of His Majesties more northern plantations may be seduced, (if they are not already actually ingaged with those to the Southward in thos barbarities committed ther) if some speedy and effectuall care be not taken to prevent it; to which end I make bold to represent to your Lordships some advices I have lately received from my correspondents and others at New York. I find they all in generall complain of a great decay in their trade with the Indians, and much more lately then has been formerly, the French by sending priests among them and greater numbers then before, may, if not prevented, in a little time seduce all our Indians wholly to their interest, and as the French have very lately desir'd liberty of the 5 Nations of our Indians to build a house (as they call it) in the Onondago country, which is on this side the Lake; if this be allowed it cannot fail not onely of drawing our trade with the Indians wholly to themselves, but may also be a means to engage them to become our enemies when any war shall happen between the French and us, wherby most of our Northern as well as Southern plantations would be expos'd to the dayly insults of both French and Indians and not be without hazard of being intirely lost to the Crown.

My Lords I have no directions to lay this matter before your Lordships (not doubting but the Governour Coll. Hunter has made a propper representation thereof) yet as a lover of that Country wher I resided seventeen years I presumed to think it my duty neverthelesse humbly to acquaint your Lordships what I hear, being well assured you in your great wisdom will take propper methods for the saftie of thos advantagious Colonies. Now with great submission

should your Lordships think it propper to advize His Majestie that application might be made to the French Court that their subjects of Canada might be forbid to settle among any of our 5 Nations of Indians or at least on this side the Lake, and ours reciprocally among them; the French would then have far lesse opportunity to bribe or seduce our Indians.

My Lords I would humbly beg leave to observe one thing to your Lordships that all treaties and propositions that have for some time past bin made by the Brittish Governours with the Indians have alwayes bin managed with the advice and in the presence of Col. Peter Schuyler who is first of His Majesties Council ther, to whom the Indians have given the name of Quedor and for whom the Indians always had a very great esteem, that they would be greatly displeased should he be left out or not appear. My Lords, the reason I mention this is because here are reports that the Governour ther has bin pleased to slight this gentleman in particular; 'tis reported also that the Major part of the rest of His Maj^{ties} Council for that Province have the unhappiness not to be in the Governours favour. If the said Coll. Schuyler should not be taken notice of to the Indians it may be of ill consequence, especially at this Criticall juncture, and may induce the Indians to slight us, and to believe the report the French give out, *that England is in a civill war at home, expecting a King from France, and that the English are not in a condition to protect or incourage them as the French are.*

And since I have mentioned the Governour of New York, I must humbly beseech your Lordships to give me leave to observe one thing more. M^{r} Mompesson[1] the late Chief Justice of the Province of New York, being dead, the Governour has bin pleased to appoint one M^{r} Lewis Morris to succeed in that post, and as that gentleman was never bred to the law, however he may be quallifyed otherways (besides his being the Governours perticular favorit) he may thro' ignorance commit some indiscretions which may have a fatall consequence. If your Lordships should see fit that a proper person learned in the law (for whom ther is now a handsome incouragement) were sent thither, I durst assure your Lordships the far greater part of the inhabitants of that Province would be very well pleased.

I am now with all humbleness to beg your Lordships to pardon my impertinences; 'tis my zeal for His Majesties service in the preservation of thos Plantations so beneficiall to Great Britain has occasioned this presumption. I most humbly beg leave to subscribe myself, My Lords

Your Lordships most humble
and most obedient Servant
CHARLES LODWIK.

London the 23
August 1715.

[1] ROGER MOMPESSON, seventh Chief Justice of New-York, is supposed to have descended from the Rev. William Mompesson, who was Rector of Eyam, Derbyshire, during the plague of 1666. He was not only a lawyer of ability, but had been Recorder of Southampton, and a member of two Parliaments. Becoming involved, it is said, by engagements to pay some of his father's debts, Mr. M. found it convenient to accept the appointment of Judge of the Admiralty for New-York and the adjoining colonies, which he received in April, 1703. He arrived in Philadelphia in the summer of that year; in July, 1704, succeeded Mr. Bridges as Chief Justice of New-York (*New-York Commissions*, III., 94); and in February, 1705, was sworn of the Council of the latter Province (*New-York Council Minutes*, IX., 496), of which body he continued a member until his death. In October, 1704, he was appointed Chief Justice of New Jersey also, and held that office until 1710, with the exception of the few months of Lord Lovelace's administration. He was sworn Chief Justice of Pennsylvania in April, 1706, but there is no evidence that he ever sate on the bench of that colony. In private life, Mr. M. had the character of an ingenuous, honest man; as a lawyer, he was able and well grounded, and by his experience probably did more than any other man to mould the judicial systems both of New-York and New Jersey. *Field's Provincial Courts in New Jersey.* His widow, Martha, daughter of Judge Pinhorne, of Snake Hill, N. J., and his son, Pinhorne Mompesson, survived him. — ED.

Commission of Governor Hunter as Vice-Admiral of New-York, &c.

[New-York Bb, 126.]

E Registro Supremæ Curiæ Admiralitatis Angliæ extrâct:

Georgius Dei Gratia Magnæ Britanniæ Franciæ et Hiberniæ Rex, Fidei Defensor &c Dilecto nobis Roberto Hunter Armigero Gubernatori nostro Provinciarum et Coloniarum nostrarum Novi Eboraci Connecticut et Cæsarearum Novarum Orientalis et Occidentalis, Anglice East and West New Jerseys, in America, necnon Principali Gubernatori nostro earundem Provinciarum et Coloniarum pro tempore ibidem existenti Salutem. Ad cognoscendum et procedendum in quibuscunque causis civilibus et maritimis, atq. querelis, contractibus, delictis, seu quasi delictis, criminibus placitis, debitis, excumbiis, computis, chartis partitis, conventionibus, litibus, transgressionibus, injuriis, extortionibus et demandis, ac negotiis, civilibus et maritimis, motis seu movendis quibuscunq. inter mercatores aut inter Dominos et Proprietarios navium et aliorum vasorum et mercatores seu alios quoscunq., cum eisdem dominis et proprietariis navium et cæterorum vasorum quoruncunq., infra jurisdictionem maritimam Vice Admiralitatis nostrae dictarum Provinciarum et Coloniarum nostrarum Novi Eboraci Connecticut et Cæsarearum Novarum Orientalis et Occidentalis in America et territorum eisdem dependentium occupatorum vel usitorum seu inter quascunq. alias personas qualitercunq. habitis factis initis seu contractis pro aliqua re materia causa vel negotio seu injuria quacunq. infra jurisdictionem nostram maritimam p^{r}dictam expeditis seu expediendis una cum omnibus et singulis suis incidentibus emergentibus dependentibus annexis et connexis causis quibuscunq. ubicunq. seu qualitercunq. humôi. causæ querelæ contractus et alia p^{r}missa supradicta vel eorum aliquod oriri celebrari contrahi vel fieri contingat juxta jura statuta leges ordinationes et consuetudines ab antiquo observât. audiend. et terminand. ac insuper in omnibus et singulis querelis contractibus conventionibus ac causis et negotiis civilibus et maritimis ultra mare perficiendis ultrave mare contractis qualitercunq. emergentibus seu contingentibus ac etiam in cæteris causis et materiis omnibus et singulis quæ jurisdictionem maritimam Vice Admiralitatis nostræ p^{r}dict. in dictis Provinciis et Coloniis nostris Novi Eboraci Connecticut et Cæsarearum Novarum Orientalis et Occidentalis in America et territoriis eisdem dependentibus ac partibus maritimis eorundem et eisdem adjacên. quibuscunq. quovis modo tangunt seu aliquo modo concernunt vel ab antiquo pertinere debuerunt aut debent et generaliter in omnibus et singulis aliis causis litibus criminibus delictis excessubus injuriis querelis maleficiis seu quasi maleficiis transgressionibus regratariis forstallariis et negotiis maritimis quibuscunq. per loca prædicta infra jurisdictionem maritimam Vice Admiraltis nostræ Provinciarum et Coloniarum nostrarum Novi Eboraci Connecticut et Cæsarearum Novarum Orientalis et Occidentalis in America et territoriorum eisdem dependentium p^{r}dict. per mare vel aquam aut ripas seu littora eorundem qualitercunq. factis commissis perpetratis aut emergentibus; Necnon ad inquirendum per sacramentum proborum et legalium hominum de dict. Provinciis et Coloniis nostris Novi Eboraci Connecticut et Cæsarearum Novarum Orientalis et Occidentalis in America et territoriis eisdem dependentibus ac partibus maritimis eorundem et eisdem adjacentibus quibuscunq. tam infra libertates et francheiss. quam extra, ubi libet cómorantium tam de omnibus et singulis quæ de jure statutis legibus ordinationibus vel consuetudinibus ab antiquo observatis inquiri solent vel deberent quam de wrecco maris ac de omnibus et singulis bonis et catallis quorumcunq. proditorum piratarum homicidarum et felonum qualitercunq. infra

jurisdictionem maritimam Vice Admiralitatis nostræ Provinciarum et Coloniarum nostrarum Novi Eboraci Connecticut et Cæsarearum Novarum Orientalis et Occidentalis in America et territorium eisdem dependentium p^rdict. delinquentium; ac de bonis debitis et catallis omnium et singulorum eorum manutenentium accessariorum consulentium auxiliantium vel assistentium quorumcunq. atq. etiam de bonis debitis et catallis quarumcunq. personarum felonum de se et cujuslibet personæ felonis de se infra jurisdictionem nostram maritimam p^rdictam, quovis modo seu qualitercunq. ad mortem devenientium ubicunq. bona debita et catalla hujusmodi aut aliqua parcella eorundem per mare aquam vel terram in dictis Provinciis et Coloniis nostris Novi Eboraci, Connecticut et Cæsarearum Novarum Orientalis et Occidentalis in America, et territoriis eisdem dependentibus seu partibus maritimis eorundem et eisdem adjacênt. quibuscunq. tam infra libtâtes et francheîss, quam extra fuerint inventa seu invenienda forisfacta seu forisfacienda vel existentia quæcunq. et etiam de bonis debitis et catallis quarumcunq. aliarum personarum felonum de se et cujuslibet alterius personæ felonis de se infra jurisdictionem ñram maritimam prædictam repertis seu reperiendis contingentibus quibuscunq. Et p^rterea tam de bonis debitis et catallis quorumcunq. aliorum proditorum felonum et homicidarum ubicunq. locorum delinquentium, ac de bonis debitis et catallis eorum manutenentium accessariorum consulentium auxiliantium vel assistentium quam de bonis debitis et catallis quorumcunq. fugivitorum convictorum attinctorum damnatorum utlegatorum vel in exigendo pro proditione felonia homicidio vel murdro seu aliquo alio quocunq. offenso aut delicto qualitercunq. posito sive ponendo atq. etiam de bonis wavialis Flotzon Jetzon, Lagon Shares Thesauro invento seu inveniendo Deodandis ac de bonis quorumcunq. aliorum pro derelictis habitis vel habendis seu casu fortuito repertis aut reperiendis vel qualitercunq. debitis aut debendis, ac de omnibus aliis casualibus tam insuper vel per mare littoraque crecas aut costeras maris vel partes maritimas quam insuper vel per aquas dulces portus flumina publica rivos seu crecas aut loca superinundata quæcunq. infra fluxum et refluxum maris seu aquæ ad plenitudinem aut super littora vel ripas alicujus eorundem infra jurisdictionem nostram maritimam p^rdictam qualitercunque quandocunq. vel quomodocunq. emergentibus contingentibus sive provenientibus quibuscunq. vel ubicunq. bona debita aut catalla hujusmodi aut cætera p^rmissa vel aliqua parcella eorundem infra jurisdictionem ñram maritimam p^rdictam reperiantur aut inveniri seu reperiri contigerint; ac insuper de anchoragiis et lastagiis seu arenosa navium oneratione et de piscibus regalibus viz^t Sturgeonibus, Balænis, Cetis, Porpesiis, Delphinis, Riggis ac Graspetiis, et generâlr de cæteris piscibus quibuscunq. magnam sive ingentem crassitudinem sive pinguedinem in se habentibus ab antiquo de jure vel consuetudine ad nos quovismodo pertinentibus aut spectantibus seu aliquo modo consuetis eademq. wreccum maris ac bono debita et catalla ac cætera p^rmissa omnia et singula una cum omnibus et omnimodis finibus multis exitibus forisfacturis amerciamentis redemptionibus et recognitionibus quibuscunque forisfactis et forisfaciendis et pœnis pecuniariis pro trangressionibus delictis injuriis extortionibus contemtibus et aliis maleficiis quibuscunq. vel pro aliqua re materia seu causa quacunq. imposita vel inflictis imponendis vel infligendis qualitercunq. in dictis Provinciis et Coloniis nostris Novi Eboraci, Connecticut, et Cæsarearum Novarum Orientalis et Occidentalis in America et territoriis eidem dependentibus ac partibus maritimis eorundem et eisdem adjacentibus quibuscunq. in aliqua curia Admiralitatis nostra ibidem tenta seu tenenda p^rsentatis seu p^rsentandis assidendis afferendis forisfaciendis seu adjudicandis; ac etiam una cum amerciamentis exitibus finibus perquisitis mulctis et pœnis pecuniariis quibuscunque ac forisfacturis quarumcunque recognitionum coram vobis vestrove Locumtenente deputato vel

deputatis in dictis Provinciis et Coloniis Novi Eboraci, Connecticut et Cæsarearum Novarum Orientalis et Occidentalis in America et territoriis eisdem dependentibus ac partibus maritimis eorundem et eisdem adjacentibus quibuscunq. audiendum et terminandum assignatis seu assignandis contingentibus seu impositis aut imponendis vel infligendis seu aliquo modo assidendis afferendis forisfaciendis seu adjudicandis aliquo modo occasione p[r]missorum, nobis vel heredibus seu successoribus nostris in ea parte qualitercunq. debetis sive debendis quibuscunq. petendum exigendum levandum capiendum colligendum recipiendum et obtinendum ac ad usum nostrum et officii Magni Admiralli nostri Magnæ Britanniæ p[r]dict. pro tempore existen. custodiendum et conservandum ac insuper recognitiones cautiones obligationes et stipulationes quascunque tam ad usum nostrum quam ad quarumcunq. partium instantiam pro conventionibus seu debitis ac aliis causis quibuscunq. capiendum easque executioni ponendum et exequi faciendum et mandandum, necnon naves personas res bona merces et mercimonia quæcunque pro p[r]missis et eorum quolibet ac aliis causis quibuscunq. ea concernentibus ubicunq. locorum per dictas Provincias et Colonias nostras Novi Eboraci, Connecticut et Cæsarearum Novarum Orientalis et Occidentalis in America et territoria eisdem dependentia ac partes maritimas eorundem et eisdem adjacentes quascunq. infra libertates et francheiss. vel extra fuerint inventa seu reperta atq. etiam pro aliis conventionibus causis seu debitis quibuscunq. qualitercunque contractis sive emergentibus dummodo bona seu personæ debitorum reperiantur infra jurisdictionem nostram p[r]dictam juxta legis civiles et maritimas et consuetudines ab antiquo usitatas realiter arrestañd. et arrestari facieñd. et mandañd. Ipsasq. cum suis emergentibus dependentibus incidentibus annexis et connexis causis et negociis quibuscunq. una cum cæteris causis civilibus et maritimis atq. querelis contractibus et aliis p[r]missis omnibus et singulis quibuscunq. superius respective expressis juxta leges et consuetudines p[r]dict. ac aliis viis modis et mediis legitimis quibus melius sciveris aut poteris audiendum examinandum discutiendum et fine debito terminandum ac personas quascunq. in ea parte prout casus exiget comparere et respondere cum cujuslibet coertionis temporalis alteriusq. pœnæ et mulctæ potestate juxta leges et consuetudines p[r]dict. compelleñd ac justitiam facieñd. et ministrañd, etiam juris ordine servato seu velo levato sine strepitu et figura judicii sola facti et rei veritate inspecta procedeñd. reosq. et contemptores ac juris seu jurisdictionis Adm[lis] ñræ p[r]dictæ violatores usurpatores delinquentes et contumaciter absentes naucleros marinarios remiges piscatores naupegos et alios aperarios et expertos quoscunque res nauticas quascunq. exercentes juxta jura statuta leges ordinationes et consuetudines ab antiquo observata mu[l]ctandum corrigendum puniendum castigandum et reformandum ac in quibuscunq. carceribus infra Provincia et Colonias nostras Novi Eboraci, Connecticut et Cæsarearum Novarum Orientalis et Occidentalis in America et territoria eisdem dependentia p[r]dict. existentibus incarcerandum et incarcerare faciendum et mandandum ; incarceratosq. quoscunq. in ea parte qui deliberandi fuerint deliberandum et penitus exonerandum et exonerari faciendum et mandandum fluminaque publica portus rivos et aquas dulces et crecas quæcunq. infra jurisdictionem nostram maritimam p[r]dictam ubicunq. locorum in dictis Provinciis et Coloniis nostris Novi Eboraci, Connecticut et Cæsarearum Novarum Orientalis et Occidentalis in America et territoriis eisdem dependentibus ac partibus maritimis eorundem et eisdem adjacentibus quibuscunque existunt pro conservatione tam classis nostræ ac classium et navigiorum regnorum et dominiorum nostrorum p[r]dictorum quam piscium in eisdem fluminibus et locis p[r]dictis crescentium quorumcunq. Necnon jura statuta leges ordinationes et consuetudines ab antiquo observata in dictis Provinciis et Coloniis nostris Novi Eboraci, Connecticut et

Cæsarearum Novarum Orientalis et Occidentalis in America et territoriis eisdem dependentibus ac partibus maritimis eorundem et eisdem adjacentibus quibuscunq. conservandum et exequi et conservari faciendum omniaq. et singula alia faciendum exercendum expediendum et exequendum in p^r^missis et eorum quolibet prout de jure et secundum leges et statuta ordinationes et consuetudines p^r^dict. fuerint faciendum ac insuper retia nimis stricta et alia ingenia sive instrumenta quæcunq. illicita circa prensionem piscium ubicunq. locorum per mare aut flumina publica portus, rivos, aquas dulces seu crecas quæcunq. per Provincias et Colonias nostras Novi Eboraci, Connecticut et Cæsarearum Novarum Orientalis et Occidentalis in America et territoria eisdem dependentia p^r^d. ac partes maritimas eorundem et eisdem adjacentes quascunque infra jurisdictionem nostram maritimam p^r^dictam ubicunq. locorum per aquam occupata sive exercitata ac exercitatores et occupatores eorundem juxta jura, statuta, leges, ordinationes, et consuetudines p^r^dict. puniendum corrigendum et reformandum. Sententiasq. et decreta quæcunq. fulminandum promulgandum et interponendum eaq. executioni demandandum cum cognitione et jurisdictione quarumcunq. aliarum causarum civilium et maritimarum quæ sunt maris seu quæ mare vel maris per transitum sive passagium aut iter navale sive viagium maritimum vel jurisdictionem nostram maritimam supradictam seu loca vel limites Admiralitatis nostræ p^r^dict. et cognitionem aut edictam ac alia quæcunq. expedita vel expedienda quovismodo concernunt aut respiciunt etiam cum potestate procedendi in eisdem juxta jura statuta leges ordinationes et consuetudines edict. ab antiquo usitata tam ex officio mero mixto vel promoto quam ad alicujus partis instantiam prout casus exiget et expediens visum fuerit. Et etiam cum cognitione et decisione de wrecco maris magno seu parvo ac de morte submersione et visu corporum mortuorum quarumcunq. personarum in mare vel fluminibus, publicis portubus, aquis dulcibus, seu crecis quibuscunq. infra fluxum maris et aquæ ad plenitudenum predictas Provincias et Colonias nostras Novi Eboraci, Connecticut et Cæsarearum Novarum Orientalis et Occidentalis in America et territoria eisdem dependentia ac partes maritimas eorundem et eisdem adjaceñ. quascunq. vel alibi infra jurisdictionem ñram maritimam p^r^dict. qualitercunq. interfectarum sive submersarum aut interficiendarum seu submergendarum sive murderatarum vel murderandarum aut aliquo alio modo ibidem ad mortem devenientium una cum cognitione de Mahemio in locis p^r^dictis infra jurisdictionem nostram maritimam p^r^dictam ac fluxum maris et aquæ ibidem contingeñ. cum potestate etiam puniendi delinquentes in ea parte quoscunque juxta juris exigentiam et consuetudines p^r^dict. Cæteraq. omnia et singula quæ in p^r^missis tantum et circa ea necessaria fuerint seu quomodolibet opportuna juxta et secundum jura, statuta, leges, ordinationes et consuetudines p^r^dict. faciendum exercendum expediendum et exequendum tibi p^r^fato Roberto Hunter arm. Gubernatori nostro dcārum Provinciarum et Coloniarum ñtarum Novi Eboraci, Connecticut et Cæsarearum Novarum Orientalis et Occidentalis in America et Principali Gubernatori nostro earundem Provinciarum et Coloniarum pro tempore ibidem existenti de cujus fidelitate et circumspectionis industria plurimum in hac parte confidimus vices et authoritatem nostras in et per Provincias et Colonias nostras Novi Eboraci, Connecticut et Cæsarearum Novarum Orientalis et Occidentalis in America et territoria eisdem dependentia p^r^dict. ac partes maritimas eorundem et eisdem adjacentes quascunq. Atque etiam per omnia et singula littora maris fluminaq. publica portus aquas dulces rivos crecas ac brachia tam maris quam fluminum et costeras quæcunq. dictarum Provinciarum et Coloniarum nostrarum Novi Eboraci, Connecticut et Cæsaraerum Novarum Orientalis et Occidentalis in America et territoriorum eisdem dependentium ac partium

maritimarum eorundem et eisdem adjaceñ. quarumcunq infra libertates et franchêiss ac extra cómittimus per p^{r}sentes et concedimus cum potestate alium vel alios deputatum sive deputatos quoties tibi expediens visum fuerit loco tuo in p^{r}missis deputandi et surrogandi. Ac etiam cum potestate quoscunq. alios officiarios et ministros pro dicto officio et exercitio ejusdem in dictis Provinciis et Coloniis nostri Novi Eboraci Connecticut et Cæsarearum Novarum Orientalis et Occidentalis in America et territoriis eisdem dependentibus ac partibus maritimis eorundem et eisdem adjacentibus quibuscunq. sub te necessarios idoneos et opportunos de tempore in tempus nominandi p^{r}ficiendi ordinandi assignandi faciendi et constituendi (salvo semper jure Sup^{r}mæ Curiæ Admiralitatis nostræ Angliæ necnon judicis et Registrarii ejusdem curiæ quibus et eorum alteri in aliquo nolumus derogare per p^{r}sentes, et salvo jure cujuscunque læsi et gravati per aliquam sententiam definitivam sive decretum interlocutorium in curia Vice Admiralitatis Provinciarum et Coloniarum nostrarum Novi Eboraci Connecticut et Cæsarearum Novarum Orientalis et Occidentalis in America et territoriorum eisdem dependentium p^{r}dict. fereñd. ad Sup^{r}mam Curiam Admiralitatis nostræ Angliæ p^{r}dict. appellandi.) Teq. p^{r}fatum Robertum Hunter Armigerum Gubernatorem nostrum p^{r}dictum et principalem Gubernatorem nostrum pro tempore existeñ. Vice Admirallum Cômissarium ac Deputatum nostrum in Officio Vice Admiralitatis in Provinciis et Coloniis nostri[s] Novi Eboraci, Connecticut et Cæsarearum Novarum Orientalis et Occidentalis in America et territoriis eisdem dependentibus p^{r}dict. ac partibus maritimis eorundem et eisdem adjacentibus quibuscunque una cum omnibus et singulis feodis proficuis advantagiis emolumentis cômoditatibus et pertinentiis quibuscunq. eidem officio Vice Admiralle Cômissarii et Deputati in dictis Provinciis et Coloniis nostris Novi Eboraci Connecticut et Cæsarearum Novarum Orientalis et Occidentalis in America et territoriis eisdem dependentibus ac partibus maritimis eorundem et eisdem adjacentibus quibuscunq. juxta ordinationes et statùta sup^{r}ma Curiæ Admiralitatis nostræ Angliæ p^{r}dict. debitis et spectantibus ordinamus p^{r}ficimus et deputamus per p^{r}sentes ad bene placitum nostrum tantûmodo duratûr. Proviso tamen semper et sub hac lege et conditione quod si tu p^{r}fatus Robertus Hunter Armiger Gubernator noster antedictus et Principalus Gubernator noster pro tempore ibidem existeñ. nos et Locumtenend. ñrum sup^{r}mæ Curiæ Admiralitatis nostræ Angliæ p^{r}dict. et in dicta curia et Officialem priñlem. Commissariumq. Generalem et specialem ac ejusdem curiæ judicem et p^{r}sidentem de omni eo quod de tempore in tempus vigore p^{r}sentium feceris executus fueris collegeris aut receperis in p^{r}missis seu p^{r}missorum aliquo annuatim, viz^{t} in fine cujuslibet anni inter festa Sancti Michælis Archangeli et Omnium Sanctorum cum plene et fideli computo tuo superinde sub authentica forma conficiendo ac Sigillo Officii nostri in custodia tua remaneñ. sigilland. debite non certificaveris et certiorem reddi feceris cum effectu si ad id requisitus fueris extunc et post defaltam in ea parte hujusmodi literæ patentes de Officio Vice Admiralli p^{r}dict. ut p^{r}fertur concessæ vacuæ et irritæ erunt nulliusq. roboris aut effectus; mandantes omnibus et singulis proceribus justiciariis majoribus vice comitibus cap^{t}neis senescallis balivis et custodibus gaolarum et carcerum nostrorum quorumcunq. et constabulariis caeterisq. ministris et fidelibus subditis et ligeis nostris quibuscunq. et eorum cuilibet tam infra libertates et francheiss: quam extra quod tibi p^{r}fato Roberto Hunter Armigero Gubernatori nostro Provinciarum et Coloniarum nostrorum Novi Eboraci Connecticut et Cæsarearum Novarum Orientalis et Occidentalis in America et Principali Gubernatori nostro earundem Provinciarum et Coloniarum pro tempore ibidem existeñ. et deputato tuo cuicunq. alioq. officiariis ejusdem Vice Admiralitatis nostra in Provinciis et Coloniis nostris Novi Eboraci Connecticut et Cæsarearum Novarum Orientalis et Occidentalis in America et territoriis eisdem

dependentibus ac partibus maritimis eorundem et eisdem adjacentibus quibuscunq. per te assignatis seu assignandis circa executionem p^r^missorum et eorum cujuslibet intendentes faventes auxiliantes parentes pariter et obedienter sint in omnibus prout decet subpœna juris et periculo incumbênt. Dât. Lond. in Sup^r^ma Curia Admiralitatis nostræ Angliæ p^r^dict. sub sigillo ejusdem magno, vicesimo sexto die mensis Augusti Anno Dñi millesimo Septingêsimo. decimo quinto, regnique nostri secundo.

Sam^l^ Hill Reg^ius^

Exâm.

Will Browne Reg^ii^ Deptór unus.

Lords of Trade to Secretary Stanhope.

[New-York Entries, J., 333.]

To the R^t^ Honb^le^ M^r^ Secr^y^ Stanhope

Sir.

We have just now received a letter from Brig^r^ Hunter Gov^r^ of New York, dated 25 of July last, wherein he acquaints us, amongst other things, that he has at last after many Years struggle for bread, and suffering other hardships, got the Assembly to settle a Revenue upon his Majesty for five years; that this was in a great measure owing to the labours and industry of M^r^ Lewis Morris in the Assembly, and for that and other services of the said Morris's, he had appointed him Chief Justice of New York in the room of M^r^ Mompesson deceased, adding that the said Morris is the fittest person for that employment there, and praying that no countenance may be given to any applications here, in favour of any other persons for that imployment.

Upon consideration of which we agree in opinion with Brig^r^ Hunter that the said Morris so long as he shall behave himself well, be not dismissed from that imployment, and we must take leave to observe that it is for his Majesty's service that persons in the Plantations who shall distinguish themselves in His Majesty's intrest and for the good of the Government, be rewarded with such places as are in the disposal of the Governors there, If this method were observed it would be an encouragement to gentlemen to exert themselves for the publick good, and would strengthen the Governors in the execution of the trust reposed in them, whereas we apprehend, the contrary method will not fail of producing a contrary effect; we are

Sir,

Your most obedient and
most humble Servants.

R^t^ Molesworth
Jn^o^ Cockburne
Jn^o^ Chetwynd
Chas: Cook
P. Doeminique

Whitehall
August 31^st^ 1715.

Mr. Pringle to Secretary Popple.

[New-York Bb., 5.]

Whitehall 1 Sept 1715.

Sir

I am ordered by Mr Secretary Stanhope to send you the enclosed letters which he has lately received from Mr Caleb Heathcote, that you may lay them before the Right Honble the Lords Commissioners of Trade & Plantations for their information. I am Sir

Your most humble servant

Mr Popple. Ro. Pringle.

Colonel Heathcote to Governor Hunter.

[New-York Bb., 4.]

Scarsdale July 8th 1715.

May it please Yor Excellency.

The last post brought us the unwellcome newes of the French haveing with a considerable force entered the Onnondagoes country where they intended to erect a Fort for hindring our trade or communication with the Indian Nations & was told your Excellency was going up to Albany with all imaginable expedition, to prevent the ill consequences thereof. I do very heartily wish your Excellency all the successe therein, you can desire; but it must be very plain that the French would not have come on that errand had they not first debauched the Indians and been sure of them. It is undoubtedly by the management of the French that the fire is kindled in Carolina, & they'le not be wanting of their endeavours to spread the flame through the whole coast, of wch your Excellency will be better able to forme a judgement, after your conferrance with the Sachems; and as 'twill undoubtedly be found that the mischief is intended general, so I do humbly beg leave to offer your Excellency my opinion thereon, & leave it to your Excellency's consideration & better judgemt. As, whether it would not be very proper with as little losse of time as may be, for your Excellency to desire a meeting or congresse at some convenient place, of all or as many of the Governours on this Continent as can with conveniency come & attend it; were it may be considered of & resolved on, what measures to take for extinguishing the fire allready begun, & to prevent its increase; for as every part of North America is struck at, so all our interests are the same, & what number soever is wounded or hurt, the whole ought to reckon themselves agreived, and not carelessly suffer the French to angle us away, province by province, till at last all will be gon; and as it is impossible that we & the French can both inhabit this Continent in peace but that one nation must at last give way to the other, so 'tis very necessary that without sleeping away our time, all precautions imaginable should be taken to prevent its falling to our lotts to remove; & when your Excellency and the rest of the Governours have mett & considered what steps will be most fitting to take, it would then I humbly suppose be very desirable that some person be sent home to lay their thoughts before His Majesty, & to sollicit such assistance as may be thought needfull; and

as by the present view of things the whole Coast on a breach with France apears to be in danger enough, so could all the governments be brought to reason & to believe themselves as they really are to be but one family, & untill the tryall is over & 'tis known whether North America must belong to the French or us, that besides the bare subsisting themselves they would devote their persons and estates to end the dispute, by resolutious of this kind they might rest assured of all necessary assistance from His Majesty thoroughly to accomplish the worke. But if the old rules are still put in practice, & those who are not imeadiately concern'd will, like sheep, only stand gazing on, while the wolff is murthering & distroying other parts of the flock, it will come to every ones turn at last.

If your Excellency thinks there is reason in what I offer, then I am further humbly of opinion that the person who is pitcht upon to go home, should be dispatcht to gett there before setting in of winter, to give time for effecting his several negotiations, & as there is little expectation of any thing but war, that proper methods may be taken to frustrate all the designes of France next summer, when we may reasonably expect to be vigorously attaqued by them on all sides. I do very heartily ask pardon for all the freedoms I have taken herein, assuring yo^{r} Excell^{y} that I am

Your Excellency's most obedient
humble Servant

His Excellency Robert Hunter Esq^{r} CALEB HEATHCOTE.

Colonel Heathcote to Lord Townsend.

[New-York, Bb., 4.]

Mannor of Scarsdale July y^{e} 12th 1715.

My Lord

I am sorrey that what I foretold in my private letter to your Lordship in March last proves a truth, as that the French had for some time & were then with great dilligence laying their designs with the help of the Indians, on the first breach, to cutt off and become masters of these parts of His Majesty's empire, & gave your Lordship my reasons for being of that opinion. It will be altogether needlesse to trouble your Lordship with any duplicate of that letter, because I sent the same by two severall conveyances & doubt not of its having come to hand. The perticular accounts of the Callamitys of Carolina your Lordship will undoubtedly have had from the Governour there, with much greater exactnesse then I can pretend to do it, but 'tis very certain that all those poor people are drove from their settlements into Charlestown and other fortifyed place and there starveing & in great distress, nor have I yett heard that the Governments on this Continent have done any thing for their releiff & assistance. Besides the flames w^{ch} have broke out in those parts, the fire is begining nearer us; the French haveing, as I am credibly informed, enter'd our Onondagoes country, with intent to build a Fort there, & cutt off our trade & communication with the Five Nations of Indians. Had they not very good assurances of debauching our Indians they would not have made so bold an attempt. What steps are taken to prevent the mischievous consequences of it, your Lordship will undoubtedly receive by this vessell, w^{ch}, haveing been for some time out of town, is unknown

to me; but that I might not be wanting tho' at this distance to do what good I could, I sent Coll. Hunter our Governour my thoughts by letter, of w^ch^ the inclosed is copie. I have as yet rec^d^ no answer from him, so don't know what conclusion he has drawn upon it, and the Man of War talking of sayling this week, durst not adventure to stop this longer. If any thing should be resolved on upon it, here, and afterwards att home, what ever directions are given to the severall Governments, it must be done in so full a manner that they may not dare to dispute His Majesty's orders; of w^ch^ we have formerly had examples enough. For when in King William's time the war lay wholly on this Province & Coll. Fletcher then our Governour obtain'd an order from His Majesty for Virginia, Maryland, Connecticut, & other Governm^ts^ to send men & money for our assistance, they all of 'em found ways to evade it; & the French who were no strangers to our Constitution, were allways so crafty, as not to suffer their Indians to make war on more than one Province or Collony at a time; & the others were so besotted, as all ways to sitt still. For when the French for many years pressed our Frontiers, our neighbouring government of Connecticut, whose towns lay as much exposed & seemingly in as much danger as ours, being unmolested, they refused giveing any assistance, & could patiently bear to see our settlement destroyd & people murthered, & when towards latter part of the war our Indians & those of Canada had agreed not to mollest either of the Frontiers, then the French made war on Connecticut, & we as kindly refused to assist them & satt quiett while their towns were cutt of & lay'd in ashes, & aboundance of their people killd & tortured: & after this unaccountable managem^t^ on our side, the crafty French, who are but a handfull in comparisson of the English, on this Continent, have generally out done us.

My Lord, did I not aprehend our danger to be very great, & his Majestys subjects here on the brinke of ruin, by w^ch^ meanes these vast countreys, w^ch^ in time would become by much the most vallewable jewells belonging to the Brittish Crown abroad, will be lost and destroyd, & y^t^ the designes of France are very near being ripe for our ruin, I would not have presumed to have been thus troublesome to your Lordship, for w^ch^ I do very heartily ask pardon begging leave to assure your Lordship that I am with all imaginable regard, My Lord

Your Lordships most obedient humble Servant

CALEB HEATHCOTE.

The Right Hon^ble^ the Lord Viscount
Townsend His Ma^tys^ Principle
Secretary of State.

Colonel Heathcote to Lord Townsend.

[New-York Bundle, Bb., 4.]

Mannor of Scarsdale July y^e^ 16. 1715.

My Lord.

The Man of War tarrying longer than he proposed, gives me the opportunity of presenting your Lordship with my further thoughts on the State of America, w^ch^ I believe to be exceeding dangerous, for the Indians under armes in Carolina are reported to be very numerous; some say they are 5 & other accounts 10000, & some, more, still increasing, & it is possible for them to become a very great army, there being prodigious numbers of them to the

Westward of those Countreys; and if the French, with whom they have allready too good an understanding can keep 'em together & steady to their interest, North America must immediately arm itself, unite & be very vigorous, or the whole will be in danger. For if the French should send a fleet on this Coast next summer, w^ch^ in case of a breach with them we have too much cause to fear, & effectuall measures are not taken to prevent it, the consequences thereof may be bad enough, the Indians &^c^ remaining firm to them I suppose their first attempts will be on New York, that being not only a very valuable prize, but the town is poorly fortifyed, w^ch^ the French dont want to be acquainted with, who likewise very well know that the carrying of that place would cast a damp on all the Indians yet in our interest, & very probably make them revolt, and then all America will be in bad circumstances. I have been told my Lord that the reasons w^ch^ the Indians give for their breach with Carolina is the injustice w^ch^ hath been done them by taking away their land without being fairly purchased & paid for. They alſo complain that their children, who were many of them bound out for a limited time to be taught and instructed by the Christians, were contrary to the intent of their agreement transported to other Plantations & sold for slaves; & I dont know but there may be some truth in what they alledge that I make bold most humbly to offer your Lordship my opinion thereon & do humbly suppose it might be very adviseable that in order to quench the fire already begun & prevent the like grounds of complaints hereafter, that His Majesty would be pleased with as little loss of time as may be, to direct all the Governours on this continent to send for the Sachems and Heads of the Indians in their respective governments, & having renued the Covenant Chain with them, as they call it, to make a strict enquiry into all their complaints & grievances, both in respect of their lands & on other accounts; assuring them of redresse, letting them know that 'tis His Majesty's expresse commands to have it so.

Something of this sort my Lord would be very proper to have done; that we may if possible keep the Indians quiet and in temper, till we have our country better settled & secured and the French rooted out, & then we may expect to have the heathen on better terms, altho' justice ought forever to be don 'em. I am my Lord further humbly of opinion that America will never be well & effectually secur'd against the French & Indians, till a line of guarissons are erected on the frontiers of all the governments, to answer the line of settlements the French have for some time been, & are now, making from Missisippy to Canada. Now if ever it should be thought proper to errect such guarrisons, it would be very adviseable that in the placeing of them, a great regard be had in haveing 'em sittuated where it may be convenient for carrying on some branch or other of the Naval Store designe; so that if the manning of them well be found constantly necessary & the expence more than either Great Britain or America can conveniently bear, the men may be agreed withall to act in the nature of soldiers and labourers, being obliged to worke or carry armes as those under whose care they are shall think fitt to direct. By this method under good directions, the charge would not only be greatly eased, but perhaps mostly paied of, and it would be a very great encouragement to those who serve in those guarrisons if strict order & directions were sent by His Majesty to all the governours that no pattents for lands on the frontiers be given to great men, & in large quantitys, but in small parcells; & to such only as have served their country as soldiers, for their immediate settling. This would not only in time be a very great strengthing to His Majesty's dominions here, but we should have soon the advantage of the whole trade with the Indians & by that means fix them in our interest, the French not being able to supply them on such easy termes as we can. Had the Naval Store designe been approved of and pursued in

the manner I proposed, and the men settled in those guarrisons for that purpose, it would have been I am humbly of opinion the most effectuall way to have secured those parts of these countrys allready in His Majesty's possession & in processe of time to have drove out the enemy, & had twice the number of men been wanting for the designe as sett down in my scheme, the stores would still have come as cheap to the Crown as they now or ever will do, fetcht from forreign dominions; & was the charge thereof carefully cast up & examin'd into, it would, I am well assured be found so. But whereas I am told by a private hand that my proposalls were no ways liked of nor aproved & believed to be impracticable, in w^ch^ account I am likewise confirmed by a generall sylence from all those I did my self the hon^r^ to write to on that occasion, I shall forbear being further troublesome by arguments on that subject; altho' my Lord I am still steadily of the same opinion I ever was of, that nothing could have been done with greater certainty & more for the hon^r^ & proffit of the Nation. But since those att helme are not of my mind, I very chearfully submitt to what His Majesty & the Ministry think most fitting to have done.

I have since my former letter by this conveyance rec^d^ the Governours answer to my letter, who tells me that the Governours can't meet or hold a congresse without expresse orders from the King, but that he had acquainted the Secretary of State with the misfortunes America lay under, & wonders that time should not have better provided, but that allso our numbers on the Continent vastly exceded theirs, yett we were in danger to be ruined by them. I hope if there is any prospect of war that His Majesty will be pleased forthwith to order a congresse of all the Governours & that the state of America will be so taken into consideration, as to have things settled in such order that we may not be allway a prey to the French and their intreagues with the Indians.

I hope Your Lordship will still be pleased to pardon this new addition of trouble & to believe that nothing but an uncommon concern & zeal to serve my prince & country would have made me thus presumptious; for there is not many who draws breath under the happy constitution of the Brittish Empire that more sincerely desires the prosperity and welfare thereof, nor is more truly firm & zealous for the present establishment of its government then

My Lord,

Your Lordships most obedient
humble Servant
CALEB HEATHCOTE.

To the Right Hon^ble^ the Lord Viscount
Townsend, Principle Secretary of State

Lords of Trade to Governor Hunter.

[New-York Entries, J., 336.]

To Brigad^r^ Hunter.

Sir,

Having lately received a Memorial from Col: Lodwick, relating to the proceedings of the French amongst our five Nations of Indians at New York, to some misunderstanding between you and Col: Peter Schuyler and to your having appointed M^r^ Lewis Morris Chief Justice of

New York, we send you a copy thereof here inclosed, for your particular answer and observations, upon which occasion you may be assured that nothing of this kind shall have weight with us before we have had an opportunity of hearing from you.

We must take notice that we find by our books that his late Majesty King William, upon a proposal from the Earl of Bellomont, had order'd 500li for the building a fort in the Onondage Country which we suppose to be near the place mentioned in the Memorial, and 2000li for the forts of Albany & Schenectady, and also that mony was raised at New York for carrying on that work, and as we do not find that any fort has been built by us in the said Onondage Country, we desire you will make inquiry and inform us whether the foremention'd 2500£ or any part thereof was remitted to New York, and in that case, what became of it, that is how it was expended or laid out, and whether it was ever accounted for.

Since the writing of what is above, we have received yours of the 25 of July last, with the Acts & papers therein referred to, and tho' we have not had time, to consider of all the said Acts and the other matters concerning which you write, We did however upon the receipt of your said letter, represent to his Majesty your recommendation of Mr Clarke to supply the present Vacancy in the Council there, and we doubt not but His Majesty will be graciously pleased to approve the same.

We have likewise considered the Act you have now sent us for granting a supply for the support of the Government & striking bills of credit, &c, and should have laid the same before his Majesty for his Royal approbation but it seems to us to be repugnant to the Act of Parliament for settling the rates of foreign Coins in the Plantations, for by the New York Act an ounce of plate is valued at 8s, whereas by the Act of Parliament here a piece of Eight of sevil, Pillar or Mexico of 17½ penny weight is not to pass for more than 6s, and at that rate an ounce of plate will not be above 6s $10\frac{1}{2}\frac{9}{5}$d now the consequence of this is, that if the New York Act be approved of here, the Proprietors and all other Governments will immediatly do the same thing and the intent of the Act of Parliament be thereby wholly evaded. We shall not therefore lay this Act before his Majesty till we here further from you upon this difficulty.

As to the Act for Naturalization, we have it now before us, and you may be assured we shall give all due regard to the recommendation you have given of it.

We observe with pleasure your attention in relation to the Indian war, and hope after your return from Albany to have an account of the good effects of your presence there.

The ship which brings you this being just upon departure, we would not lose this opportunity. So we bid you heartily farewell, and are

Your very loving friends
and humble Servants

Ja: Astley
R: Molesworth
Jo: Cokburne
Jo: Chetwynd
Cha: Cooke
P. Doeminique

Whitehall
Septr 7: 1715.

Governor Hunter to the Lords of Trade.

[New-York Entries, J., 367.]

To the Right Hon^ble^ the Lords Commiss^rs^ for Trade and Plantations

My Lords

A. He sends papers which contain the result of his interview with the Indians.

The inclosed papers contain the result of my late interview with our Indians N^r^ 1 is their first proposal N^r^ 2 that proposal explained & rectify'd at their own request, N^r^ 3 my answer & proposals, N^r^ 4 their reply N^r^ 5 proposition from a far Nation, & D a paper sent me since I parted with them by the Indian Commissioners.

B. Their first proposals made by influence of the Indian Traders.

He brought the Indians to a better mind.

I must observe to your Lordships that the first proposals was made by the instigation and influence of our Indian Traders who are more intent on their private profit than the publick good, I by some arts put the Indians into a better mind, which put them upon amending what they had said the day before, and requiring it to be razed out as appears by the paper 2, That vile race have renewed their efforts since I left Albany as appears by the paper (D) But I have sent them more Ammunition and all the Arms I could spare, and now I am pretty confident they will proceed as soon as may be, having summoned all their dependents to attend them. For my part I can see no other way of putting an end to the Carolina war and preventing a more general one but this, how slight soever some people seem to think of it.

The traders base efforts since he left Albany.
Has sent more Ammunition and what Arms he could.

He's confident the Indians will soon proceed.

No other way to end ye Carolina war & preventing one more general.

C. He desires the usual presents for the Indians which are much wanted and will be of great Service.

I must also intreat Your Lordships to intercede with his Majesty that the Ordinary presents to the Indians upon the accession of the several Princes to the Throne may be speedily transmitted, They are wanted and will be of great service at this time.

D. State of the Seizure of the Eagle Brigantine,
An appeal thereupon to the Admiralty,

If this sentence is repealed the Laws will be of no further use there.
He desires the Boards interposition.

The officers being bully'd by the owners,

One of whom is a member of Council

Inclosed also your Lordships have a state of the seizure and condemnation of the Eagle Brigantine, the Owners have appealed, to the high court of Admiralty, I shall only observe to your Lordships that if this sentence is repealed (which I think impossible) the laws of Trade, are no longer of any use in these parts, Foreigners and Foreign bottoms may and will import what they please into those Provinces, in spight of all his Majesty's Officers, I hope your Lordships will be pleased to interpose your recommendation of this case, the Officers here being bully'd by the Vaunted interest and power of the owners in Britain, I'm sorry and asham'd to tell you that one of his Majesty's Council here is one of the owners who gave directions for the perpetration of this fraude and breach of the laws of Trade.

E. Address of the Grand Jury about Mr Vesey.

There is also enclosed an address from the grand Jury here, which chiefly relating to the Rev^d^ M^r^ Vesey whom I have been obliged to mention to Your Lordships, I thought it necessary to shew the General sentiments of the people here with relation to that untowardly man.

F. He has not received his instructions nor letters from the Board a long time.

I have not received my instructions or any Commands from Your Lordships of a long time. I shall continue to do my best for his Majesty's intrest here as the best way to recommend myself to the honour of being,

My Lords

Your Lordships

Most humble &

most obedient Servant

Rob^t^ Hunter.

New York
Sept^r^ 29^th^ 1715

P. S. He desires augmentation of troops.

I have again importuned Mr Sec: Stanhope about the augmentation of the troops.

A Councilor dead and others recommend'd

Since the writing of what is above Dr Saml Staats one of the Council his dead, I humbly recomend Dr John Johnson the present Mayor in his place, many of the Council living remote I am frequently at a loss for a Quorum, to remedy that I beg leave

A supernumerary proposed.

to recommend David Jamison, or David Lyall as a supernumerary.

Conference of Governor Hunter with the Indians.

[New-York, Feb., 18.]

Propositions made by the Sachims of the Five Nations of Indians vizt the Maquase Oneydes, Onnondages Cayouges and Sinnekes to his Excellency Brigader Robert Hunter Captain Generall and Governour in Cheife of New York &c In Albany the 27th of August ao 1715.

PRESENT— His Excellv Brigr Hunter Governour Generall &c
Coll. P. Schuyler
Coll. Kil. V. Ranselaer } Of His Majties Council.
Thomas Byerley Esqr
The Commissioners of the Indian Affaires
and Recorder and Aldermen of Albany.

Dekanissore Cheife Sachim of Onnondage, Speaker, said:—

When we were here last yeare we made three propositions, and not haveing then Belts of Wampum to lay down according to our custom, gave three sticks, and now bring the three Belts of Wampum for the said three propositions.

Brother Corlaer

We are here mett togeather, Yor Excellency & the Sachims of the five Nations, at Albany, the place appointed for all treaties with us, and if there be any affaires of moment to be treated of, either of Virginia, Maryland, Carolina, or any of His Majesty's colonys in America, this is the place where we are first to treat with one another.

Your Excellency renew'd the Covenant Chain last summer here, which was extreamly acceptable to us all, and you demanded the hatchet from us which you had given into our hands against the French of Canada; which hatchet we doe now deliver you: it has been an unfortunate hatchet; we have had two Canada expeditions but they proved both abortive and unsuccessfull, and therefore if ever you offer to give us such a hatchet again into our hands we will not accept of it. Did give a Belt of Wampum.

Brother Corlaer.

Last summer when we were here, you cômanded and required that the path of goeing to warr against the Flatheads (Indians that live in Carolina) should be stopt, but we told you

then that we could not give you an answer before we had consulted with our young men the warriors, and we are now come to a conclusion to obey yo^{r} Excellency's commands and to stop up that path henceforth; but there are diverse Companys of our people, stil out against them, who have referred the decision of that matter to the Sachims and other young Indians that were left at home, whether that warr should be continued or noe. Doe give a stick, which they will make good with a Belt of Wampum haveing none ready for the present.

Brother Corlaer.

We have heard of the demise of our great Queen Anne, whose death we condole with all our hearts, and at the same time we heard with unspeakable joy that our great King George succeeded her in the kingdoms and dominions belonging to Great Britain; and we were likewise told that he would protect and defend us as Queen Anne had done. We hope it will be true; then our Children's Children will ever live in peace & flourish and noe difference will ever arise between us, if that be performed. Doe give a Belt of Wampum.

Brother Corlaer.

You forbid us to go to war against the Flatheads of Carolina, and we have been obedient to yo^{r} commands; now we have often desir'd that the goods should be sold cheaper, which has not been comply'd with all, and we insist still that goods may be sold at a more easy rate. It would be a great satisfaction to all our people.

You have taken out of our hands that hatchet which you put into our hands, and we have laid it down willingly, but we have a hatchet of our own, which we made use of in former times, which we keep lying by us to make use of the same, and ever we shall be attacked by any body. Doe give five small bundles of Beaver.

We have done speaking and this is what we have to say, for which we pray'd yo^{r} Excellency to come up; but we have been sent for likewise by yo^{r} Excellencys commands, and shall attend to hear what yo^{r} Excellency has to propose to us, and desire to know the time when we shall waite upon you.

Albany 28th of August 1715. Die Dñi.

Dekannissore the Speaker of the Five Nations, accompany'd with three other Cheife Sachims, came to His Excellency's lodging in the afternoone while people were at Church, and told His Excellency they were come to make some alteration in the propositions they had made yesterday, and desir'd that something said then might be raizd out, since the meaning and real intention of the Five Nations is as follows, and said:—

Brother Corlaer.

We told you yesterday that you had given us a hatchet in our hands against the French of Canada which proved an unfortunate and unsuccessfull one, and that therefore we would not take up such a hatchet again (meaning, wage warr against the French of Canada) the reason why we said so is because we find the goods in this place grow dearer and dearer; we therefore desire that your Excellency would be pleased to inform His Majesty herewith that he would be pleased to take such measures that the goods may be sold cheaper, and that our bevers and peltry may bear a better price.

We desire also that that proposition which we made yesterday in not takeing up the hatchet again may be blotted out and not mentioned; for we told you that we had a hatchet lying by us to be made use of against those that should annoy us; but we do now tell you that that

hatchet is a fortunate hatchet and is all well yo^{rs} as ours: this hatchet is the hatchet which we have used of old against our Indian enemys whereby we made their dwellings a wilderness, and has always been victorious. Now if your Excellency is intended to make use of that hatchet it must be new steel'd.

(Indorsed) "N° 1. Referred to in Brigad^{r}
"Hunter's lrê of 29th Sept. 1715.

Proposal of the Five Nations explained and rectified.

[New-York, Bb., 19.]

Propositions made by the Sachims of the Five Nations of Indians viz^{t} the Maquase Oneydes Onnondages Cayouges and Sinnekes to His Excellency Brigad^{r} Rob^{t} Hunter Capt. Generall and Govern^{r} in Cheife of New York &^{c}. In Albany the 27th of August 1715.

PRESENT— His Excellency Brigad^{r} Hunter Governour Generall.
Coll. P. Schuyler
Coll. Kîl. Van Ranslaer } Of His Maj^{ties} Councill.
Thomas Byerly Esq^{r}
The Commissioners of the Indian Affaires, and
Recorder & Aldermen of Albany.

Dekannissore Cheife Sachem of Onnondages, Speaker:—

When we were here last yeare we made three propositions and not haveing the Belts of Wampum to lay down according to our Custom, gave three sticks, and doe now bring the three Belts of Wampum for the said three propositions.

Brother Corlaer

Wee are here mett together, yo^{r} Excellency and the Sachims of the Five Nations, at Albany, the place appointed for all treaties with us, and if there be any affaires of moment to be treated of, either by Virginia, Maryland, Carolina, or any of his Majesty's Colonys in America this is the place where we are to treat with one another.

Your Excellency renewed the Covenant Chain last summer, which was extreamly acceptable to us all, and you demanded the hatchet from us which you had given into our hands against the French of Canada, which hatchet we do now deliver you. It has been an unfortunate hatchet; we have had two Canada expeditions, but they proved both abortive and unsuccessful. Nevertheless we must acquaint you that we have a hatchet of our own which we have had of old and has always been very successfull and fortunate. It has subdued a great many nations of Indians and we have made their habitations to be turn'd into a wilderness and desolate, and that hatchet is still lying by us ready, and it is yours as well [as] ours. Now if Yo^{r} Excellency has occassion at any time to make use of that hatchet, it shall be at yo^{r} cômand, but then it must be new steel'd.

Brother Corlaer

Last summer when we were here you commanded and required that the path of goeing to warr against the Flatheads, Indians that live in Carolina, should be stop'd, but we told you that we could not give you an answer then, before we had consulted with our young men the warriors, and we are now come to a conclusion to obey yo^{r} Excellency's commands and to stop up that path henceforth; but there are diverse companys of our people still out against them, who have referred the decision of that matter to the Sachims and other young Indians that were left at home, wether that warr should be continued or no,—Doe give a stick, which they will make good with a Belt of Wampum haveing none ready for the present.

Brother Corlaer

We have heard of the demise of our great Queen Anne, whose death we condole with all our hearts; and at the same time we heard with unspeakable joy that our great King George succeeded her in the kingdom and dominions belonging to Great Brittain; and we were likewise told that he would protect and defend us as Queen Anne had done. We hope it will be true; then our Children's Children will ever live in peace and flourish, and no differences will ever arise between us if that be performed. Doe give a Belt of Wampum.

Brother Corlaer

Your forbid us to goe to warr against the Flatheads of Carolina, and wee have been obedient to your commands. Now we have often desired that the goods should be sould cheaper, which has not been complyed withall, and we insist still that goods may be sold at a more easy rate, it would be a great satisfaction to all our people and do therefore beseech Yo^{r} Excell^{y} would be pleased to inform His Majesty herewith that he may take such measures to make us easy in this particular and that our Bever and Peltry may bear a better price.

We have done speaking, and this is what we have to say, for w^{ch} we pray'd yo^{r} Excellency to come up; but we have been sent for likewise by yo^{r} Excellency's comands, and shall attend to hear what yo^{r} Excellency has to propose to us, and desire to know the time when we shall waite upon you.

His Excellency said—

The Propositions which the Brethren have now made are of such a nature which will require some time to give a proper answer. However that noe time may be lost and to morrow being Sabbath Day, I desire to meet you on Munday in the afternoon; at which time I will endeavour to answer to yo^{r} satisfactions what you have proposed.

Brethren.

It is true I had sent a messenger to appoint you to meet me here about a month hence but in the mean time I received a message from you by a Deputy of each Nation, intimating you desired a meeting in ten days punctually from that day they spoke to me. Accordingly I laid aside all other bussiness and transported myself hither precisely against that day; since which time a whole week is past, but I have waited with patience, and hope this interview will be concluded with the satisfaction, and for the interest of both sides. I shall at the same time when I have answered what you have said to me now, acquaint you with what I have to propose to you and reason of my sending for you down.

Examined with the Originall

P^{r} R^{t} Livingston Sêcry for the
Indian Affaires

N^{o} 2.

Governor Hunter's Answer to the Five Nations.

[New-York, Bb., 20.]

Answer made by His Excellency Brigad^{r} Robert Hunter Capt. Gen^{ll} and Governour in Cheife of New York &^{c} to the Maquase Oneydes Onnondages Cayouges and Sinnekes in Albany this 29th day of August 1715.

Brethren:—

You are now mett to receive my answer to what you offer'd to me two days agoe by the mouth of Dekanissore yo^{r} Speaker.

As to yo^{r} first proposition, all places for treatyes are appointed by the joynt consent of the partyes treating; Albany has always been the place where the severall governours have had interviews with the Five Nations, and I agree that it shall continue so.

Last year I renewed our Covenants with you with a very good heart, a chain which I hope has strength enough to bear all the shocks of our enemys abroad, or more dangerous ones if any such there be at home; for upon that Chain hangs our mutuall security and strength.

I at the same time demanded the hatchet which was given into your hands against the French of Canada, our Queen haveing then concluded a peace with that King. The whole world knows how successfull that warr was carryed on in Europe, but as you well observe it was an unsuccessfull hatchet at best on this side; but as that ill success can in no wise be computed to her late Majesty who had given all necessary orders and made all suitable preparations for these expeditions, nor to you who ingaged in them with all imaginable cheerfullness and resolution, I speake it with gratitude and to your praise, nor to me who in yo^{r} own sight perform'd exactly that share which was committed to my care; let it for ever hereafter be buried in oblivion, and never more mentioned, unless it be to the reproach of those whose mismanagement in that part of it which was to be performed by sea, or something worse, defeated so promising an enterprize. But there is another hatchet which you mention and I repeat with great joy, that is, the hatchet of mutual defence and security, that, as it is bright, I hope and pray it may be lasting as the sun. It has never been lifted up in vain, and woe to them who shall deserve to have its edge turned against them. I shall take care to steel it, and doubt not but you will sharpen it when it is wanted. His Excellency gave them hereupon a Belt of Wampum.

Brethren.

The last time that I had the pleasure to meet you here, I desir'd that bloody path which led to the Flat Heads, might be barr'd up, for these reasons cheifly, that they desired peace and were at that time in strict friendship and alliance with his Majesty's subjects in Carolina. But as I am informed the Case is alter'd, and they have contrary to their faith given, joyn'd with some other Indians, and in a most barbarous manner fallen upon that people and murdered many in cold blood, who little dreamed of being butchered by those to whom they had intrusted their safety. I shall speak more amply to this particular anon.

So soon as I had information of the death of our late Queen, I sent a messenger to notify it to you, and the Accession of His Majesty King George to the Throne, who is a Prince as able and willing to protect his subjects, assist his allies and chastise his enemys as any King in Europe is or ever was; and now in his name, in the most solemn manner, I give you assurance of his protection and favour. A Belt was given.

Brethren.

Your proposition relateing to the low rates of peltry and high rates of goods, if I understand right, comes from those who have given occasion for the complaint. I wish I could make you rightly understand the true state of that matter: I shall do my best. The prices of Bever &c does not at all depend upon the pleasure of any man or number of men, but intirely upon the demands there happens to be for those commodities in the European marketts. When the demand is great, that is when they are much wanted, the price raises; when it is not, that is when the marketts are gluted, the price falls. Dureing the warr peltry could not be easily exported from England, which glutted the marketts there; the peace is but new, and trade has not as yet had time to take its antient course, but I am full of hope that a lettle time will mend that matter. Now because I am perswaded that those who sell you goods at dear rates give this which you have said, for their excuse, I'll leave them without excuse, by informeing you that all goods have a real stated value, according to the different times of vending, which is no secret among us, tho' it is always determined by what I have already mentioned, and that you may have all goods which you shall want at as easy rates as the Christians can afford to sell them at to one another, I shall forthwith issue out my orders to the Magistrates here, and the Commissioners for Indian Affairs that upon application from any Indian that he conceives himself to be abused or imposed upon in his bargain, they take care immediately to conveene before them, the persons so complained of, and do strict Justice to the Indians, and in case of guilt to punish the offender as the law directs in cases of frauds and extortion. And of this I would have you give notice to all yo^{r} people who have dealings this way. I have now answered to yo^{r} severall overtures and shall proceed as you desir'd to what I have to offer to you: And laid down a Belt.

Brethren.

In the name of the Most Potent and Most Gracious King George our Great Sovereign I renew with you the antient Covenant Chain, and again in the most solemn manner assure you of his protection and favour; which, I am well perswaded you will ever deserve. Whereupon a Belt was given them.

Brethren

In my answer to yo^{r} proposition about stopping the path that led to the Flat Heads I hinted something that I promised to speak more at large which I now do.

Some Indians in the neighbourhood of His Majesty's good subjects our Brethren of Carolina, have lately, contrary to their engagements and faith given, & without any cause or declaration of warr, fallen upon that people and butchered many in their beds, who could not apprehend any such treatment from those who had profesed themselves their freinds; amongst these I am informed that yo^{r} old enemys the Flatheads have rang'd themselves. You yo^{r}selves know best the truth of this, if it be so. The cause of their fury against these His Majesty's subjects is chiefely this, that when the Flatheads implor'd their assistance, [to fight against] the Five Nations, they absolutely refused it, because you were ever in strict alliance with the Crown and good friends to the subjects of Great Brittain. You may well remember a convinceing proof of their regard & friendship for you: near two years ago, I think, one of your number was taken prisoner amongst others who were makeing warr upon them: so soon as they understood that he belonged to you, they releas'd him treated him, kindly, and sent him to me to New York, and I convey'd him save to his home.

What I now desire and expect of you is that according to our covenants which import mutual assistance you will now interpose with yo^{r} power, to put an end to this warr, and either p^{r}swade or force those who are concerned in it (whom you know better than I) to lay down the hatchet in the mean time, untill conditions of peace shall be agreed upon. This, as it will redound to yo^{r} glory, will be highly pleaseing to His Majesty and indear all his subjects to their good brethren of the Five Nations; and to this I shall wait yo^{r} answer. And a Belt of Wampum was given them thereupon.

A true Copy Examined

P^{r} Rob^{t} Livingston Sêcry for
the Indian Affaires.

No. 3.

Reply of the Five Nations to Governor Hunter.

[New-York, Bb., 21.]

The Five Nations of Indians viz^{t} Maquase Oneydes Onnondages Cayouges and Sinnekes their Reply to his Excellency Brigad^{r} Hunter, Captain Generall and Governour in Cheife &^{c}. In Albany the 31st of August 1715.

Present— Coll. P. Schuyler
Coll. Kill. V. Ranselaer
Thomas Byerly Esq^{r}

Brother Corlaer

We are again convein'd togeather to our great satisfaction and pleasure. You made a Proposition two days ago whereby in the name of the Most Potent and Gracious King George our Sovereign Lord you renew'd the Ancient Covenant Chain in the most solemn manner, and promised that the same should be kept inviolable, and withall told us that noe enemys without or within us, should be able to breake it. I doe now in the name of all the Five Nations renew and confirm the same; which antient chain of friendship shall be kept inviolable by us, praying that His Excellency would do the same on his part. Possibly some evil minded people may strive to raise jealicies between us, but pray do not hearken to them. If we but continue to keep the Covenant Chain brit & clear, our Children's Children will live and look upon [one] another in peace and tranquillity; but if we regard and believe those that will make it their business to create differences between us, then we are both ruin'd. Doe give a Belt of Wampum.

Brother Corlaer.

You have told us that the Indians liveing in the neighbourhood of Carolina, who were in friendship with the English His Majesty's subjects there, have most perfidiously and barbarously murdred those people in their beds without any cause or provocation on the Christian's side. You also inform us that the principal cause why they have thus butchered the English in cold blood was because they would not assist the said Indians to fight against us of the Five Nations, who have always been in friendship with the Kings subjects, and as a token of those people's friendship and regard for us they saved one of our people and released him when he

was taken prisoner by the Flatheads about two years ago, sending him save to New York to yo^{r} Excèll. who sent him save home to his own Country of Oneyde. This is what your Excèll has been inform'd of, to be the occasion of the warr between the English and the Indians of Carolina; but we are inform'd quite otherwise, viz^{t} that the English desir'd the Flatheads to assist them in fighting against the Tuskorore Indians promiseing them if they were reduced they should have goods cheaper then formerly. Whereupon they joyn'd the English and have fought and dispers'd the Tuskorore Indians, & then claim'd the performance of that promise of the English concerning the price of goods, but received no satisfaction in that particular, but found the goods as dear as formerly, given but a handfull of powder for a bever skin, and other goods proportionable.

Brother Corlaer.

We must own that we have desir'd from time to time that goods should be sold cheaper which is the most materiall matter to us.

Brother Corlaer.

You have told us two days ago that we were the fittest persons to perswade those Indians to lay down the hatchet, and if perswasion would not do, to force them. We think it wholly impracticable to gain any thing upon those Indians by fair means, meaning the Flatheads that are in warr in Carolina, for there is no faith nor honour in them, neither can we ever trust them, they are our antient enemys; for if we should send any Deputys to them to treat of peace, they would certainly cut their troats.

Now yo^{r} Excellency has told us that the antient hatchet which we always use against our enemys of old which is yours as well as ours, should be new steel'd against those Indians, which is very well approved of by us; but we must also desire that you may sharpen him likewise, meaning that they may be supplyd with ammunition, then we doubt not but to subdue those Indians wholly; for small skulking parties will not doe, we must goe with a wholl army against them and endeavour to doe effectually. Doe give two Belts of Wampum.

Brother Corlaer.

If you are inclin'd to sharpen the hatchet and enable us to go against those Indians then we young men and warriors desire and expect you are to give a considerable supply of ammunition proper for such an enterprize. Doe give 4 small packs of bevers.

We have now don with speaking, only beg leave to put yo^{r} Excellency in mind of what we proposed when we first came to town that our locks of our Guns and kittles may be mended

We have one thing more to offer, and then we have don. When the last Canada expedition was over we complained that the traders in whose houses we were oblig'd to lye, imposed upon us and made us pay more for the goods then the value, and therefore desir'd that a house might be built upon the hill for the reception of all Indians that came there to trade; which was promis'd us; but to our griefe we cannot see any house built as yet; pray yo^{r} Excellency to take some orders about it, that the House may be built with all convenient speed.

His Excellency's Answer.

Brethren.

I have received with inexpressible joy yo^{r} hearty answer to my proposition to you, for avenging the blood and reduceing the enemys of His Majesty's good subjects our Brethren of

Carolina, and agree with you interestly [intirely?] since they are men of no faith, to subdue them by force of arms, and in order to make yo^{r} attempt more effectuall I will furnish you now with a quantity of ammunition and supply you dureing the warr as yo^{r} occassion shall require, and shall with all convenient speed acquaint the King my master with how good a heart you have offered the service for the reduceing of his enemys, and make no doubt but his Majesty being sencible of your seasonable service will send you a handsome present to testify his satisfaction.

It is true I did not give you an answer relating to the locks and kittles, but I shall give orders forthwith that it may be don at my charge.

I shall also give orders that the house you mention be immediately built, and when it is finished I hope none of you will be so unwise as to pull it downe and burn the boards as has been done formerly, or that you lodge with any of the traders, and then it will be an easy matter for the Magistrates and Commissioners of the Indian Affaires for to prevent your being impos'd upon.

Brethren.

You will forthwith receive a present of such goods as will be necessary for you, and such as could be had in such short warning as you gave me, and you need not doubt of this being repeated as the good services you shall doe in this warr shall deserve.

Ex^{d}

Rob^{t} Livingston Sêcry for the Indian affaires.

N^{o} 4.

Message of the Far Indians to Governor Hunter.

[New-York, Bb., 22.]

Propositions made by the Sachims of the Five Nations to his Excellency Brigadier Hunter Capt. Generall and Governour in Cheife &^{c}. In Albany the 29th of Augst 1715.

Present— His Excêll: Rob^{t} Hunter Esq
Coll. Peter Schuyler,
Coll. Kill. V. Ranslaer } Of his Majesty's Councill
Thomas Byerley Esq^{r}

Dekanissore, Speaker.

Brother Corlaer.

Yesterday arrived here three Sinnekes from [their] Country and say that there has been eleven days ago, messengers in the Sinnekes Country from the Dowaganhaes or farr Indians called Awighsaghroene, who were sent by other farr Indians that live beyond them called Ronatewisichroone, the said last mentioned farr Indians have sent a pipe of peace for his Excellency and the Five Nations and them to smoak togeather in peace, and also a pair of shoos, which were shown in the meetting, which pipe and shoos are to remaine in the Sinnekes country as a token of peace and friendship till next spring, when the said Indians will come and

treat with the Five Nations and with His Excellency; and the said farr Indians do inform us that they have been but in a week compacity for a long time, but are now grown strong and powerfull.

The said farr Indians say they have not been here a long time and the path was almost grown quite over with bush; but they do now open the path and make the same clear and clearer; desireing that they may come freely to trade here without any molestation or hindrance from any people whatever.

The messengers of the Dowaganhaes that came last to the Sinnekes Country, call'd Awighsaghroone, did say they have a pipe of peace here in Albany, which is kept as a pledge of their friendship; they Desire that the friendship may be renewed and as a token of their sincerity have sent a present of four Bever skins, to His Excellency, which they pray he would be pleased to accept off.

The furthest nation of the Dowaganhaes called Ronatewisichroone have sent a present of twelve Bevers to be distributed between His Excellency and the Five Nations; which Dekanissore the Speaker did divide accordingly, giveing His Excellency two and each of the Five Nations two, which is to open the path that they may have free egress and regress to this Colony to trade through the Country of the Five Nations, and they expect an answer with the said Messengers that brought the Pipe and Shoos whether their proposealls be acceptable.

His Excellency's Answer.

I doe accept kindly the proposealls of the farr Nations and do assure the Brethren that all those that are friends to the Five Nations shall be looked upon as friends of this Government, and shall be welcome to hither, and all those that are enemies of the Five Nations shall be looked upon as enemies to us. Whereupon His Excellency gave them a Belt of Wampum to be sent to the farr Indians accordingly.

A true Copy examined with the Originall

Pr Robt Livingston Sêcry for the Indian Affaires.

Nº 5.

Propositions of the Five Nations to the Commissioners of Indian Affairs.

[New-York, Bb., 23.]

Propositions made by the Five Sachims of the Five Nations to the Commissioners of Indian Affairss. In Albany the Second day of September 1715.

Present— Kilian Van Ranslaer, Peter Methews,
John Cuyler, Hend: Hansen.
Peter Van Brugh.
Dekannasore, Speaker.

Our Brother Corlaer has lately spoke to us concerning affaires of great moment and made us a present of severall things. We told him then that we had an antient hatchett of warr, wch

belonged to him aswell as to us, and when he had occasion for the same we desir'd him to grind it, which he has promis'd to do. Wee shall therefore acquaint all the Indians who are in alliance with us that our brother Corlaer will grind our hatchett: meaning that he will give us arms and ammunition to go to warr against the Indians in warr with our brethren of Carolina.

We desire our Brother Corlaer to buy arms to give to us with ammunition and what is necessary to go to war against the said Indians, [who are in warr with our Brethren his Majesty's subjects at Carolina, and if that is neglected to be given unto us, it is all in vain what his Excellency our brother Corlaer has proposed to us concerning our takeing up the hatchett against those Indians. We likewise desire that all the Christians and the Governour of Carolina may be acquainted that we are agoeing to warr against the said Indians.

Brother Corlaer.

You have told us that the Indians of Carolina have kill'd severall of our brethren Christians which lived there; they have also kill'd of our people, and are our enemies of old. We therefore desire you to send us arms and ammunition with all speed that we may then march in one body to distroy them at once.

Brother Corlaer.

We desire you to acquaint the Governour of Carolina with this our intention and resolution in our goeing to war with the Indians who are in warr with him; but let him keep it secret that they may not know of it, for if they do they shall then be on their guards.

The Commissioners Answer

Brethren.

We heard the proposition you have made and can now only tell you that we shall send the same to His Excellency our Governour.

A true Copy Exa^{d} by Ph: Livingston
D. Sêcry for the Indian Affaires.

(Indorsed) (D.)
" Referr'd to in Brig^{r} Hunter's
" L^{r} of 29. Septemb^{r} 1715.

Governor Hunter to Secretary Popple.

[New-York Entries, J., 390.]

To William Popple Esq^{r} Secr^{ry} To the Right Hon^{ble} the Lords Com^{rs} for Trade & Plantations

Sir,

I have (since I wrote that of the 29 Sept^{r} received yours of the 24th June, with their Lordships letters containing his Majesty's Royal assent to the debt and excise bills, by the way of Boston, I am bound be yond expression to their Lordships for their Justice & Compassion in forwarding and recommending them to the King.

This goes at a Venture by a ship now on the Coast bound for Holland, so their Lordships cannot expect so soon the answers to the several questions and the execution of their other orders, in theirs of the date mentioned, so soon as I am able to give them full satisfaction upon these heads they shall hear from me.

It has indeed been unlucky for me that my Lord Stairs to whom I had committed my affairs should be absent. the state of the case relating to the Palatines is so well known at your Board that I judge it next to rediculous to trouble them with a needless repetition however because you seem to desire to have it in one view, I shall give it you as minute as may be.

The representation of the Lords of Trade for employing about 3000 Palatines in the production of Naval stores within the Province of New York was turned into an instruction to me by her Majesty's letter entituled additional instruction, of the date of January 26th $170\frac{9}{10}$ superscribed and subscribed by Her Majesty & countersigned Sunderland.

By these instructions the Palatines were to be subsisted one Year at least at the rate of 6d Sterling the Adult persons, and 4d for those under ten years of age.

That people (by her Majesty's orders and a contract of their own, under my direction) arrived here in June 1710, and were by me subsisted from that time very sufficiently in bread, beer, flower, beef, pork or fish daily.

The season being far spent and some more time being necessary for providing Lands for their settlement commodious for that work to which they were destin'd, I represented to the Lords of Trade the necessity of a further subsistance for them than that mention'd in my instructions, if the work went on for so far, I never could doubt of payment. these instructions being enter'd in the books of Treasury by my Lord Treasurers order dated the 5th Febry $170\frac{9}{10}$ for my security.

The Lords being informed of their settlement and employment, and that at the same time my bills were not paid, in their memorial to her Majesty of the 8 of Febry $17\frac{10}{11}$ represent the necessity of further subsisting them till Midsummer 1712 which encouraged me to continue their subsistance whilst I had my credit left.

Having overcome all the other difficulties which stood in my way, tho' I could never obtain payment acceptance or absolute refusal of my bills, I was determd not to let so beneficial a project drop whilst there was any thing within my power that might prevent it, seeing my endeavours in so promising a way of success, to which I was again incouraged by their Lordships memorial to the Lord Treasurer of the 1st of February $17\frac{1}{2}$ which concludes in the words; "upon the whole as it does not appear to us there has been any mismanagement in subsisting the said Palatines by Col: Hunter, and that his credit is very deeply engaged in that service, & in consideration that the whole design of producing Naval stores in Her Majesty's Dominions by the Palatines must fall and the money already expended be entirely lost unless they are subsisted for two years as aforementioned, we are humbly of opinion that they be supported in such method as your Lordships shall think proper, upon the credit of this I by the help of my few friends on this side went on to the 13th Septr 1712, about which time, I had certain advice that none of my bills would be paid and then I stopt short tho' too late.

I acquainted the board that ev'n when the Palatines could raise upon their lands what was sufficient for a bare maintenance for their families there would be a small sum requisite for the subsistance of the workers only during the time of their attendance and for the contingent expences of the work until such time as they could have paid to them the share of the produce of their Manufacture proposed to Her Majesty by their Lordships I think the sum I computed to

be about 5000li pr ann: for two years, but they being fatigued with my representations and their own fruitless endeavours for my relief and promotg the design, made me no return so many of them dispersed themselves thro' this and the Neighbouring Provinces, & there remains upon the lands that I planted them upon, and that of Schohhare about 400 working men according to the schedule inclosed, so that I reckon the number of souls in these three places to be about 1200 who subsist pretty comfortably for new beginners having been blest with very plentiful Crops that the industrious really got money besides their maintenance.

Because their Lordships did me the justice to affirm that there appear'd no mismanagement in my conduct, I must put you in mind of one instance of my good aconomy, six pence & four pence was the stated allowance for their subsistance, when I made my bargain for beer and bread, I fell to work with buying the Cattle and fish and salting them by which I found that I might get them subsisted under the allowance made me and accordingly I wrote to their Lordships, that with good management I should be able to pay a great part of the contingent charges and Commissaries and other officers salaries out of the subsistance mony to the amount of 1500li a year if my bills were punctually paid, and accordingly I have charged nothing in my books of accounts for these extraordinary's which amounted to a very great sum, these books writen and attested by the oaths of the Commissaries, who had the charge of the distributions, and who marked down punctually from time to time every individual person old and young so subsisted, and every particular day they were so, are long since before the Treasury, having directed Mr Strahan to lay them there.

I believe I need not tell you that all imaginable arts were used to stiffle that project, nor that I was sencible that I was but struggleing against a very rappid stream. But the intrest of the Nation was so apparent & the reputatn of those worthy Patriots who employ'd me so much concern'd in it that I resolved to run all hazards rather than have reason to accuse myself of having omitted any one thing in my power to bring it to perfection, I mus[t] however put you in mind of one thing, Mr Bridger you know was order'd by her Majesty's special letter to attend that work, he did so and having with me visited the woods advised the settling that people where they are finding him a craving man, I recommended him to the Lords of Trade for an Augmentation of his salary, he went to Boston about his private affairs, promissing to return early in the Spring to set the people to work, he not coming I wrote pressingly to him least we should lose the season, he then possitively refused I wrote again that he should come forthwith at his perril, but all to no purpose providence threw one in my way who understood that work better than he (for indeed he was but a pretender) him I set to work with success and pleasure, his method I sent home which proved to be the same with very small necessary variations with that sent to the Lords of Trade by the Queen's resident in the East, Bridger finding the work go on without him wrote me a trifling letter of excuses and in the close tells me it was not by his own will that he had absented himself from that work, of this I acquainted the Lord Treasurer and the other Ministers desiring he might be sent for to give an account who's will it was that had determined him to disobey her Majesty's possitive commands but to that I had no reply no more than to the many hundreds I wrote to them upon that and many other subjects of publick concern. Mr Nicholson also made a piece of merrit of decrying & discouraging the design, him I minded not being well assured that no body ellse would.

So far you have an account of my concern and conduct in that design, as to the thing it self, take this short sketch.

Pitch and Tarr must be had from the Plantations because (with the good leave of the old Navy Board) they can now be had from no place else.

Pine out of which Tar is made, is in this Province inexhaustible, there is one wood of Pitch Pine, between Albany and Schenectady above 16 miles square, all mankind here agree that those trees are full of Turpentine, and all the difference between that and tar is, that the one is taped out y^e^ other burnt out.

If we are in the right, as to our method, why are we not set to work, if in the wrong why are we not set right it is so hard a matter to get the workmen from the Eastern Countries who understand it, but I know that we are in the right and upon what their Lordships have wrote to me, I have ordered M^r^ Sacket and one of the Commissaries to go immediatly to the woods, fell some of the prepared Trees, and bring them down hither, I mean the loggs where the turpentine has settled, and I'll have them burnt in the sight of the world, or exposed to view that I may not be imposed upon or be thought to impose upon others, he affirms confidently that notwithstand^g^ the long time they have stood prepared at least one half of them will do very well, and yield as much as ever they would.

As to M^r^ Nicholson's Clothing which you mention here it lies safe and sound, I have not meddled with it, for as for giving them out to the Soldiers, I durst as well stop their pay, it would have the same effect, you have heard that when it was imposed upon me my own clothing was actually here ready to be given out, and I gave it accordingly being willing to put off the evil day, and now I have received another clothing, if the Palatines are again imployed it will serve well for them & reward their labour, that is the best use I can devise for it, the coats are scurvy raggs without lining.

M^r^ Nicholson wrote to me to dispose of the remainder of the expedition stores in these parts, They were accordingly sold at publick out cry, and inclosed you have the Vendue masters account, the produce is not yet received there being a necessity in this Country upon these occasions of giving credit, I also disposed of about 3 or 4 score pounds worth at Albany which was paid me by discount, so soon as these Accounts are finished they shall be sent to the vallue of a farthing.

I was going to give you a detail of my other greivances, but having copies of my letters to my Lord Stairs by me I thought it would do as well to send them to you, seeing he is out of the way, you'll please to impart to their Lordships what you find in them that may be of use.

The Bishop of London I hear has appointed M^r^ Vesey his Commissary here, at least he writes so to his friends I hope his Lordship has also constituted Talbot his Commissary for the Jersey's & Phillips for Pennsylvania, these being the three Clergymen mentioned in mine to my Lord Stair, and then I shall know what he means, the best on't is that tho' I know no good they have ever done I know no great hurt they can do at present your wonted goodness will pardon this long trouble, I am with a very greatful heart, Dear Sir

New York — Your most obliged friend & humble Serv^t^

Oct^r^ 10^th^ 1715. — Rob: Hunter.

I hope you have my Indian papers I believe they are upon their march before this, and doubt not but they will put an end to the Carolina War by putting an end to the enemies of that Colony.

Governor Hunter to the Earl of Stair.

[New-York, Bb., 83.]

(Copie)

New York 18th October 1714.

Mr Kennedy has brought me two of my dearest Lord's letters, one dated before ye last (with my repreive) after ye Queen's death for which I grieve as much as any man and shall ever pay all due honour and regard to her memory, but haveing suffered under the late Administration beyond what is conceivable and all avenues to her well experienced justice and compassion being barr'd up, to me at least, being continually alarm'd with the headlong measures at home and the seeming indolence of those whose business it was to put a stop to them; I was really become regardless of life it selfe, beleiveing that there was nothing left in't worth an honest man's care. Haveing mentioned my sufferings I must begg your patience whils't I enumerate a few of the many heads under which they are rank'd.

In the first place one who if I be not mistaken had never seen troops in the field in his life was sent over hither to command a land expedition here with powers inconsistent, if I may be allowed to speake so, with those in my patent, whilst I was actually a Brigadr in ye Army and all the drudgery of Commissary of Provisions for the whole allotted to my share, which trust I executed with the greatest care [and] best exconomy possible; but for my reward many of the bills drawn for that service were returned protested and to this hour hang over my head. Severall of the Merchts not likeing the South Sea payment at that time, and this, tho I had Her Majesties orders to draw on her Treasury, to which she had given orders to make punctual payment of all such bills. There were many other hardships in that affaire with which I shall not trouble your Lordp. at present.

In the next place there were thirty serjeants with Lieuts Commissions sent on that service, who were directed to be paid by me at Ensigns pay; which I accordingly did; but my bills being turned over from one office to another, upon my repeated instances for payment I at last received a letter from John How Esqr dated ye 25th February 1714 to acquaint me that these Officers were putt upon halfe pay on ye 25th December 1712 and that considerable sums had been paid to their wives and Attorneys at home and that there wanted proper vouchers &c; soe that in short my bills he believed would be protested; and there is to this houre twelve hundred pounds of this money unpaid.

In the same instructions I am ordered to build a fort in the Indian Country with a Chappell &c for ye reception of a missionary; which was accordingly done for £500, the Queen's instructions beareing that the amount should not exceed a thousand. These bills are also returned protested, the reason given being that their answer at ye Treasury was, that my Lord would pay none of them.

To help me out in these matters I had a letter from Coll. Nicholson upon his last arrival in these parts with his new Commission of Accounts, desireing to know what part of ye Cloathing appointed for the use of the expedition the Troops of New York cold take off. I answered him that I cold take none for that use, because the one halfe of my own cloathing which had been contracted for and provided according to Her Majesties Instructions was actually arrived and ye remainder expect in the very first ships. Two or three months after I received a letter from Mr How intimating that my Lord Treasurer was much concern'd to understand that I had refused to take off any part of that cloathing by which means Her Majesties intentions to

reimburse some part of the expences of that expedition was in a great measure defeated; hee hoped Her Majesties commands and my interests were inseperable. I returned, that I thought I had convinc'd the world that noe consideration upon earth cold step betweene my duty and her Majesty's interests, but as for commands I assure your Lordpp. I never had any but that letter from M^{r} Nicholson and the intimations of my Lord Treasurer's notification of y^{e} Queen's intentions to M^{r} How, from him; However J'ay avalé la pilule, and tho' my cloathing was actually on y^{e} spott, I sent for that to Boston, which I'le maintaine is y^{e} worst and dearest that ever was given out to troops, foreigne or domestick, and soe for ought I heare my off reckoning's stopt and that cloathing thrown to my charge.

Your Lordp. may remember that upon a report from y^{e} Lords of Trade for imploying y^{e} Palatines, turn'd into instructions by Her Majesties letter under her signet and sign manual, there were 3000 of that people sent over with me to be imployed in the manufacture of Naval Stores, and directed to be subsisted at y^{e} rate of 6^{d} for adult persons, and 4^{d} for such as were under man's estate, or infants; £8000 advanced towards their settlement. These Instructions entered in y^{e} books of Treasury for my service &^{c} I planted that people on lands purchas'd by me adjacent to the Pine woods, imployed them in prepareing of trees, made ways bridges and a magazine at great charges, and for encouragement of the great undertaking wrote to y^{e} Lords of Trade that with good management I hoped to be able to save out of what was allowed me for their subsistance if punctually paid a sume sufficient to answer y^{e} contingencies according to the account transmitted to them, amounting to about £1500 p^{r} Annum, but my bills not being accepted, because as it was said at y^{e} Treasury there was no fond for that services, I prest earnestly that I might either be enabled to subsist them or have orders to desist. The Lords of Trade to doe them justice did all imaginable justice to me, I mean all that was in their power haveing made to my Lord Treasurer a report or representation in my favour, of which I had a copy, which encouraged me to goe on whilst I had either money or creditt, but those fonds being exhausted and haveing assurances from home that none of my bills would be paid, I was forced to abandon that poore people to their shifts, who dispersed themselves for bread; many indeed remaine upon the spott where I planted them and seeme willing to resume the work if the publick resume the designe, but there is a necessary expence attends it which noe private man is able to defray and that work being now soe necessary and usefull to the publick I cannot believe that the publick will grudge it.

I have sent home, by the Sarlings which brought you my last, the leidger and journals, I mean the copys, of that expence, wherein is specifyed every individual person subsisted, and every particular day they were soe subsisted, noe additional expence of contingencies being charged because of what I had wrote and have mentioned to you; and these books attested by y^{e} oaths of the Commissaries and others who kept the books and had the care of the distribution. By these books it appears that there is due to me upon that score upwards of twenty thousand pounds. You'l ask me, where I gott it Why truely, as my Lord Ranelagh said by his new house, you may come in time enough to pay it, I stand bound for a great part of it, the rest is y^{e} produce of the poore perquisites which the rigour of those I had to doe with cold not reach. Meane while I was left to begg my daily bread from a hard hearted Assembly here, tho' Her Majesty upon a representation from the Lords of Trade of the state and behaviour of this Province had ordered a bill to be drawn and laid before y^{e} Parliament for settleing the revenue here dureing her life, which was accordingly drawn but never presented to either House Some of my friends wrote me word that they thought it was better for me it

should not pass, because if there was a revenue settled I might depend upon being superseded, as if it had been more eligable to starve with y^e^ pompous name of Governour, than otherwise. My Government indeed protects me from arrests, but that is but long life and ill health. I beg'd of those who wrote soe to me that if they found the least inclinations in the Ministry to recall me, they would make it my request to them that I might fall as decently as might be; but to that I was answer'd that they were all my friends and sorry for my sufferings, I believe many were who could not help me. Witness the good Lord Marr, who was so kind as to tell me soe. All this while tho' I lett slip noe opportunity to acquaint them with my sufferings and hardships, I never had one single letter from any of the Ministry in answer to my hundreds, or any other subject, but that which involved me in these inextricable difficulties.

And that I might be robb'd of ease aswell as Bread, that eternall teazer Nicholson comes over with a new commission of Accounts which in reallity gave him noe powers worthy of a Great seale, but the natural vanity of the man led him to make such uses of it in receiving and encourageing complaints from y^e^ troublesome and disaffected, that all government was well nigh unhing'd here; hee stiled the Governour of Governours, and all obedience and dependence transferr'd to him.

To strengthen his powers & pretensions, that venerable society of which I have the honour to be a member, tho' unworthy, gave him under their seale a commission of Spiritual Inspection. How consistent that was with the powers granted to me in my letters patents, or the true interests of either the Church or State governments in these parts, I shall not take upon me to determine; but all the effect it had was to encourage two or three of the Clergy, and those profest Jacobites to flye in my face; but guessing out at y^e^ designe, I would take noe provocation or any notice of their seditious conduct, least they should take occasion to crye Church here, as they had done elsewhere; soe dispaireing of a persecution the Reverend Rector of this place runs away for England without the privity of any body whom I know, and I as little know his errand; but he goes home in good time. I shall mention noe more of him but that he has the honour to stand on record in y^e^ Council Books of this Province for haveing basely aspersed and abused his Sovereigne King William, even dureing his life.

These my dearest Lord are some of the many difficulties your poore friend has been wrestleing with for these four yeares past; I hope they are now over, but if they be not, I have courage and strength enough to goe through with any thing now my heart is at ease, and the Nation safe. I give you leave if you please, nay desire you may Communicate what I write to my Lord Sunderland Lord Sommers or any other of his Majesties ministers for as yet wee know not who they are, and when affairs of greater consequence are adjusted, I cannot doubt, without impiety, of reliefe. I hope the Duke of Marlborough has not forgott me; I have beene his faithfull servant in all stations of life, and you see I have y^e^ honour to be his fellow sufferer. Pray assure him of my lasting gratitude and devotion, and tell him, if you please, that I am as able to carry a muskett as I was ten yeares agoe.

Pray make my most humble services (and espouses) acceptable to my Lady Stair and believe me to be whilst I have a being, My Dearest Lord.

Your ever faithfull servant
and true friend

Earle of Stair. Ro: Hunter

Postcript on y^e^ Duplicate of y^e^ 18^th^ of October.

New York 8^th^ November 1714.

Earle of Stair

What is before is a copy of what I wrote to my dearest Lord by the last ships which sail'd from hence; the hurry I was then in made that soe imperfect, and indeed it would require more leisure that I ever shall enjoy on this side and more labour than I am capable of to inform you perfectly of what I have suffered and still groan under; soe you must resolve with it in detaile, by hints and starts, as I find opportunities.

To the account of my oppressions upon the Palatine account I must add what follows, which is come to my notice since the writeing of my last. My Lord Lovelace it seems brought hither with him a few Palatines, tho' without any instructions from Her Majesty in form as mine were, that ever I heard of. My Lady Lovelace applys to Her Majesty for a sûme of about 4 or 500£. advanced by my Lord for the subsistance of that number he brought over. The Queen in Councill referrs the consideration of it to y^e^ Auditor of the Plantations to report what method might be taken to pay that Lady. The Auditor made his report (of which I have a Copy) to this purpose; that there being no revenue in New York neither any thing that cold be called the Queens but the Quitt Rents which amounted to little more than £300 per añn: and that being all the Governour had to subsist himself or to defray any expences of government, it was his humble opinion that if Her Majesty intended to reimburse that sume to y^e^ Lady there was noe other way but out of the contingencies or privy purse. This was honest, but what effect doe you think it had: why immediately an order is expedited to pay that Lady out of the first and redyest of those Quitt Rents; tho' at y^e^ same time there is upwards of twenty thousand pounds in due to me upon the same account, but upon much stronger vouchers.

For first, I have my order for subsisting that people under Her late Majesties hand and seale. I had these her orders entred in the Treasury books for my security. I have sent over the books of the accounts of their subsistence attested by the oaths of y^e^ Commissaries who were charged with the distributions, and never had any order to cease subsisting them tho' I frequently beg'd it; but at the same time I must tell you that I have never toucht those Quitt Rents; for Her Majesties Receiver Generall and Collector has all along stopt them in his own hands, for his sallary, there being no other fond to pay him, that granted him in his patent.

One may conclude that the Auditors mentioning y^e^ Quitt Rents afforded matter of joy to some people at giveing them an opportunity to stop up the only remaining little stream from which I might sipp, tho' it did not affect me for the reason I have mentioned, but it putt the merry conceit of your Cady in my head, when the Drum of the Regiment had whipt a fellow at a post untill he was all over blood, and the Officer ordering him to be taken down, Cady cry'd out, Hold, for I spye one little white spott still under the wastband of his breeches: and soe would have fallen to work againe if he had beene permitted.

Now my Lord let me conjure you by that friendship you have ever professed and ever made good to take a little paines at present for me; for I dare not as yet give that trouble to any other. Send for my Agent Strahan; put him in a way how to lodge my memoriall, and second it with your interest. I am sure these my most worthy patrons my Lords Sunderland and Sômers will assist you; You know it was by their advice that Her Majesty intrusted me with that affaire which they conceived to be for her honour and interests, and cold never foresee that it was to be my ruine. Were I but free of debt I would still dance after a drumm, follow another

man's plow, or teach other men's children for bread to my own; but whilst that remaines over my head I can dream of nothing but starveing in a gaol and seeing my innocent infants perish for want before my eyes

I'll recapitulate, to sollace your memory;—The Province here owes me of arrear of sallary and money laid out for the publick as p^r their own auditt and act, upwards now of £5000.

On the account of the Palatines, as appears by the attested journals and leidgers sent home by the Sarlings, there is due to me upwards £20000.

On account of the Halfepay officers here £1800.

A whole years cloathing which I have this minute given out, not dareing to give Arthur Moor's for feare of mutiny, till further orders.

Bills for the Indian Forts I know not yet how much; some of the bills being returned protested others not.

Many of the bills for y^e expedition returned protested of which I can yet make noe state.

What I most earnestly and justly begg is, His Majesty's speedy approbation of the Acts sent home for y^e payment of the publick debts here.

That orders may be given to satisfy what is paid here by y^e Queen's order, to the Halfe pay officers; their receipts and vouchers being also in my agent's hands.

The bills for y^e Mohocks Fort may be accepted or paid.

That I may be eass'd of that accursed cloathing which if given out will starve y^e soldiers or make them desert.

And that tenn thousand pounds or one halfe of what is due on the Palatine account may be paid to my agent to relieve the most needy or stop the mouths of the most clamorous of my creditors.

Hard is my fate indeed, if when justice rules in it's right channell it should not reach to me. I shall not yet doubt of it; I'm sure I doe not doubt of your endeavours for me. I may live to serve you; I hope I need not repeate to you that there is noe man upon earth more sincerely and heartilly, My dearest Lord's

Faithfull Servant, than

Ro, HUNTER.

(Indorsed)

Rec^d w^th y^e Brigad^rs lrè to y^e Sec^y dated y^e 10^th Octob^r 1715.

Secretary Stanhope to the Lords of Trade.

[New-York Entries, J., 345.]

To the Right Hon^ble the Lords Commiss^rs for Trade and Plantations.

My Lords & Gentlemen,

I am commanded to transmit to you the enclosed extract of a letter from the Governor of New York, and to signify to you His Majesty's pleasure, that you consider thereof, and report your opinion what may be fitly done therein, whereupon His Majesty will declare his further pleasure concerning the same, I am,

My Lords & Gentlemen,

Your most humble and most obedient Servant,

JAMES STANHOPE.

Whitehall
Nov: 9. 1715.

Extract of a letter from Col: Hunter, Governor of New York to M^r^ Sec^ry^ Stanhope dated at New York, the 29 Sept^r^ 1715.

The allowance for that service by the Establishment here, is so scanty, that I must most humbly intreat you'l be pleased to represent to His Majesty the necessity of making speedily the present to our Indians which has ever been done upon every Princes Accession to the Throne. The Agent for the Province shall present you a memorial for that purpose.

I have formerly and must now again represent the necessity of Augmenting the number of forces here. the security of this Province & indeed that of all the rest on the Continent, as well as the extending and securing our Frontiers require it, if we had but two more Companies of the same establishment w^th^ the rest, a convenient Post might be taken up Hudson's River upon the entry to the Lakes, which would awe our Enemies, encourage our friends, and encrease our settlements, a Fort might be built there for £500 which in a little time would be many thousands in value for His Majesty's Service.

Memorial of Mr. Champante to the Lords of Trade.

[New-York Entries, J., 347.]

To the Right Hon^ble^ the Lords Commiss^rs^ for Trade and Plantations.

The humble Memorial of John Champante, Agent of His Majesty's Province of New York.

Representeth,

That the said Agent has received orders from Brig^r^ Hunter, His Majesty's Governor in Chief and from the Major part of the Gentlemen of His Majesty's Council there, to lay before your Lordship's what is humbly conceived to be of absolute necessity towards the further securing at this time of the said Province, on which the safety of all His Majesty's other Colonies in America do in a manner depend the same being situated in the midst of them, as they join in length one to another, and extending it self in breadth to the River of Canada, it borders upon the French Settlements in those parts, and has therefore been always looked upon by the Crown of Great Britain as the Barrier of its Empire there.

This being the situation of the said Province it has been always thought necessary to cultivate the friendship of the five Indian Nations which join upon it, and who being the most warlike, are a terror to all the other Indians on the Continent; and this is done by considerable presents from time to time made to them, the burden of which only lyes on the said Province, tho' the benefit of it extends to the other Provinces in the security it procures to them; a security of that absolute necessity that it has been customary ever since the increase of the french greatness in those parts, for our Kings upon their Accession to the Throne, to enable the Governor of the Province to make Royal presents to the said five Nations, and accordingly His Majesty King William, of ever Glorious and immortal memory, upon the first application on that account, ordered & there was made a consignment of goods for them to the value of £800.

The said Agent therefore, in pursuance of His orders, humbly represents to your Lordships, that there never was the like occasion for such a Royal bounty as now, the Province of North Carolina, hath lately been engaged in a destructive war with the Indians inhabiting those parts, South Carolina is now engaged in one more bloody, and like if not prevented to prove more fatal: the Govern^{r} of New York is now endeavour^{g} to engage the said five Nations in a war with the Indians on the back of the Carolina's, which would occasion a diversion very much to the advantage of those Colonies; and the Assembly of New York have given some funds to be apply'd in presents for the five Nations and for services of the like kind, but those are but small in comparison, with what the French contribute yearly amongst them by which arts they have rendered their interest thro' out the Continent very formidable, and by which it is to be feared they have to great an influence on the wars the Carolina's suffer by now, and should they, as they have often endeavour'd be able to seduce the said five Nations from the interest of Great Britain, it would bring a destructive storm on all the Provinces of the Crown on the Continent and occasion an irreparable injury to it.

The importance of this Province for its trade, it furnishing the Islands of the West Indies with provisions more than all the rest of the Provinces & the advantage of its situation, which makes it, as has been said, the barriers of the British empire in America, give the said Agent hopes, that your Lordships will not only approve of the present necessity of some such immediate application to be made to the said five Nations; but likewise that your Lordsh^{s} will have the goodness to lay before His Majesty, that to garrison some places towards the Lakes and nearest to Canada, a further number of Regular troops are thought of absolute and evident necessity for the preservation of this, and all the other British Colonies on the Continent, and the said Govern^{r} and Council do hope, by your Lordships Representations, to obtain from his Majesty a re-inforcement of two Companies more, which added to the four already in garrison there, will but answer all the necessary services the Crown has for them in this Province.

All which is humbly submitted to
your Lordships consideration by
the Agen aforesaid,
J. Champante.

Governor Hunter to the Lords of Trade.

[New-York Entries, J., 403.]

To the Right Honble the Lords Com^{rs} for Trade & Plantations.

My Lords,

A. He has received the Boards letter, of 22 June 1715. but not his instructions, in the mean time will answer their Lordships Queries.

I am honoured with your Lordships of the 22^{d} of June 1715, and have conceived no small satisfaction from the hopes you have given me of a regular correspondence, I have not as yet received my instructions, but shall in the mean time give as punctual obedience to your Lordships several Commands, and as particular answers to your several questions, as the short warning and my present situation will permit.

I have so tired your Hon^ble^ Board heretofore with the Accounts of the practicability of producing Pitch and Tar in this Province, and to so little purpose, that I concluded that such production was judged not necessary, or that my representations had no credit, but since your Lordships have hinted an intention to revive that project, I think it necessary to repeat that here are in this Province Pitch Pine trees enough to yield a quantity of these stores sufficient for the uses of all the Navigation of England, & most of these woods are near to the river.

B. He repeats what He has write before, as to quantity of Pines.

I my last to your Lordships Secretary, I acquainted him that I had sent to the woods the director of the work with two of the Commissaries to make an essay on the Trees formerly prepared, that I might have occular demonstration of what we are to expect from these Trees; one of the Commissaries is returned, not having met with the director of the work there, having different ways, but he has brought along with him, some chips cut by him from several of the prepared Trees, by which I may reasonably compute that above a third of these Trees will yield well; after a few more experiments, we shall be able to judge which will yield and which not, and be able to save the expence of useless labour; upon the return of Sacket the director of the work, I shall give your Lordship a more possitive answer to that Question.

what may be expected from these Trees already prepared.

C. He refers to two paper, A & B for number of Palatines and remaining goods sent with them.

The paper marked A, will inform your Lordships of the present situation and numbers of the Palatines, and that marked B, is an account of what remains of the goods and stores sent over for the uses of the Palatines, as well as of the perishable ones, such as nails, Iron work, and some moth eaten woollens sold after, the dispersing of the Palatines by my order.

D. He apprehends no danger from the Indians, & refers to 3 papers marked C. D & E, for an account of his Negotiations with them.

I can not accuse our Indian Nations in General with want of Fidelity to the Crown, the Duplicates of what past at my last interview with them, marked (C) will shew your Lords^ps^ how much I am in the right, That marked (D) is what I have received since, from the Commissaries of Indian affairs, And that marked (E) is what I had from one I sent among the Sesquahanah Indians, all which give me strong hopes that I shall be able to put an end to that Carolina war, without much expence to the Crown; your Lordships know the only way we have to retain the Indians in our intrest, is by good usage and presents; the country here for several years of my Administration, gave nothing at all for that use, which laid us under a necessity of making use of some small part of her late Majesty's expedition stores for that purpose, and the allowance since made is so scanty, that we long extreamly for the ordinary present made on each accession to the Crown; for which the Agent of the Province has directions to apply; I cannot say that any besides the loose Indians who were not worth keeping, have since my time deserted to the French.

by which he hopes to put an end to the Carolina war;

the Indians have had few presents of late but expect the ordinary presents on his Matys: accession.

Your Lordships have received long 'ere this, the Act for settling our Revenue for five Years, as also the Naturalization Act, upon which it entirely depends. I wish I could give your Lordship's hopes of another settlement at the expiration of this, but I doubt nothing but such another popular Act will prove it.

E. Names of the present Councillors there.

The Council as it at present stands, is composed of the following persons, Viz^t^ Peter Schuyler, Abraham D'Peyster, Rob: Walter, Gerardus Beekman, Rip Van Dam, Caleb Heathcote, Killian Van Renselaer, John Barberie, Adolph Phillips and Tho: Byerley; I have formerly recommended to your Lord^ps^ George Clark Esq in the room of Roger Mompesson Esq: dec^d^, and must now recommend in the room of Doct^r^ Staats deceased,

and recommends David Jamison in the room of Doct Staats deceased.

reason for a supernumerary Councellor.

Persons recommend to fill up Vacancies.

David Jamison Esq: the residence of many of our Councillors being very remote there seems to be a necessity of a supernumerary one, and for that or any vacancy's that may happen, I recommend to your Lordships the following persons Viz[t] Augustine Graham, Stephen D'Lansey, Rob[t] Lurting, Rob[t] Watts, & John Johnston Esq[rs] all men of credit, good sences, and know[n] affection to the Government.

F. Hard to obtain a list of the inhabitants but hopes he may do it.

The superstition of this people, is so unsurmountable that I beleive I shall never be able to obtain a compleat list of the numbers of Inhabitants of this Province, I know not but by the method I am now resolved to pursue, I may obtain it by

method he proposes to do it by.

detail, that is to say, after having received a list of the names & numbers of the Militia, to try to obtain a list of Freemen, who are not of the Militia, and then that of the women and children, and last that of the servants and slaves, upon the whole, I

Number of people encreased there & would still.

observe the numbers are encreased considerably, and would still more, were it not for the younger sorts removing into the neighbouring Colonies, for want of lands

but they want lands

in this, the land upon Hudson's river being of it self either so barren, or in the possession of Patentees, who have hitherto seemed unwilling to dispose of small parcels, upon

the best land being all granted & not improved.

the vain hoppes of getting tennants, In the mean time, the most valuable & improveable Lands, and of great extent, have hitherto lain useless, being situated on our frontiers towards Canada, I humbly submit it to your Lordships whether it may not be

A method he proposed to put a stop to the people's leaving the Province by building Forts &c.

highly for the interest of the Crown, and the most feasible way to put a stop to the inhabitants leaving this Province, that the number of Forces here be Augmented, In order to the building and Garrisoning of Forts on our Frontiers

Advantage thereof.

towards the Lakes which wou'd incourage and cover our Planters, keep our Indians in heart, and Awe our enemies whenever we shall be so unhappy again to have any on this Continent, facilitate future enterprizes by land, and put a stop to these our natural enemies extending their limits, a further use I propose by the augmentation, is this, that in case the Palatines whom I have not found over tractable, should behave themselves so as to make it impracticable to carry on the Tar work by their means, it may be done with a smaller charge by the soldiers who will be more under discipline; I am further to observe to your Lordships that in and about those lands on the Frontiers are the largest Trees for Masts on the Continent of North America, particularly on one Tract of Land formerly granted by patent here, the proprietors whereof have proposed to me to furnish his Majesty's Navy with as many masts and

G. He refers to a paper marked N: S. for proposals for furnishing there large masts, &c.

yards &c to be delivered by them here at this Port of New York, of the dimensions in the paper marked N. S. as your Lordships shall judge necessary to be contracted for, and will enter into such obligations for the performance as shall be requisite, the proprietors are confident they shall be able to agree on terms at least as reasonable as those of M[r] Taylor If your Lordships, as I do not doubt, shou'd think this Province equally entituled to any favour, being the Frontier Province and the Key of all the rest, and under no Charter or proprietary Government, and the terms they expect being at least as reasonable as M[r] Taylor's, which your Lordships by that may be sure will be more reasonable to his Majesty; If your Lordship's, I say, should think it for his Majesty's service to agree with

if the proposals be approv'd he desires orders to treat about it.

those people, I humbly desire you will be pleased to send me a proposal for such a contract, and his Majesty's order in impowering me to treat and conclude with them.

H. He computes the militia to be 5000, but has not received Muster Rolls.

I have not as yet received the Muster Rolls of all the Militia, from those I have formerly had, I compute the number to be about 5000, & those very well arm'd.

Naval Officers Accots sent.

The inclosed Naval Officers Acco^{ts} of exportation and importation will inform your Lordships of what you desire to know of that matter, we are furnished with no manufactures of any kind, which we used formerly to have from England from any other place, except it be from Jamaica, and some other parts of the West Indies, which send us now the refuse of their Cargoes of English manufactures which the Assembly conceiving to be against the intrest of this Province have endeavour'd to prevent by a duty of 7½ p^{r} Cent.

which will show from whence they are furnish'd with goods.

J. Their trade for their provisions, decreased since the Peace. reason.

The trade of this Province has consisted chiefly of provisions, we may reckon it considerably since the late Peace, by reason that the Spaniards do not permit our Vessels to come on their coasts, as they did formerly, having lately, as I am well informed sent several ships, some of which are french with Spanish Commiss^{ns} to Guard their coasts from that Traffick, which formerly we had by private communications with them; and these Provinces raising much more than serves for their own consumption and that of the West Indies, I can think of no solid way of prevent^{g} the total decay of trade, and consequently the ruin of the Provinces, but by setting on foot and carrying on vigorously the production of Naval stores mentioned, and if hemp were not too bulky a commodity, we know experimentally that our swamps and low land will produce as good of that kind as any in the world but for that reason unless we were encouraged to manufacture it here, the freight would eat out the profit.

To ballance which he proposes to go on with the production of Naval stores.

The only method in our power to prevent illegal trade, his by putting the laws of trade in execution as of't as we can discover the delinquents, of which your Lordships had with my last, a late instance, in the seizure and condemnation of the Brigantine Eagle, a state of which case I here again send you marked F. and must humbly and earnestly recommend to your Lordships protection and countenance the defendant in appeal to the Court of Admiralty in England, for shou'd that judgement so reasonable and so just be reversed there I see no further use either for laws of Trade or Officers of Customs in these parts.

K. He refers to the papers marked F. for a state of the case of a Brigantine condemned for illegal Trade.

And to a paper marked G. for a list of New York built ships, &c.

The paper marke G. contains a list of the number of ships, Vessells & mariners belonging to this Province, almost all of them have been built here.

L. The Towns people of N. York and Albany wear English cloth. the poor planters, coarse cloth of their own

The people of this Town and Albany, which make a great part of the Province wear no clothing of their own manufacture, but if the letters mentioned in your Lordships mean the planters and poorer sort of country people, the computat^{n} is rather less than more, but the several sorts are coarser than what come from England; I know no other way to prevent it, than by encouraging them to go on some manufactures that may be useful to England & beneficial to themselves, for few who are able to go to the expence of English Manufacture do wear home spun, and a law to oblige such as are not able to go to that expence to do it, under penalties, would be equivalent to a law to compel them to go naked, for your Lordships well know that goods at 100 p^{r} Cent advance are reckoned cheap here, neither does it consist with my knowledge that ever any home spun was sold in the shops.

I am bound in the strictes obligations expressible to your Lordships, for forwarding and recommending to his Maj^{ty} the two Acts for payment of the publick debts the blessings of some 1000 here besides mine, will follow you for it.

Whilst your Lordships have the several Acts past in these two provinces under your consideration, I think myself obliged to inform you, that some inconveniences have been

M Some inconveniencies in the Act to punish ye insurrection of Negroes.

discover'd in some of them since they have been enacted, particularly an Act passed in the 11th year of Her Majesty's Reign, entituled an Act preventing, suppressing & punishing the conspiracy and insurrection of Negroes and other slaves, wherein, among other things, it is enacted that if any Negroe &c, shall be made free by the Will or Testament of any Person deceased, that the Executors of such person shall enter into security &c, immediatly upon proving said Will or Testament, which if refused to be given, the said Manumission to be void & of no effect, but there being no penalty on ye executor refusing to enter such security, nor any method to compel him, he is left at his liberty to render every such manumission fruitless, which cutting off all hopes from those slave who by a faithful and dilligent discharge of their duty, may at last look for the reward of a manumission by their masters will, will make 'em not only careless servants, but excite 'em to insurrections more bloody than any they have yet attempted, seeing that by that Act death is made more eligible than life, for the longer they live the longer they are slaves, which is already too well known from the following instance; one Norton a butcher of this Town, dyed lately, and by his Will manumitted one of his Negroes who by his faithful and dilligent service, had helpt to gain most part of his masters Wealth, and gave him a legacy in money, and another Negroe to help him pursue the same Trade as a reward for his good service; The executor after Norton's death, proved the Will, but absolutely refused to enter into the security directed by the Act, by which means the Negro is deprived of his liberty and his Legacy; the rage the people were in for that insurrection, could only justyfy ye passing that Act in other instances equally cruel, There is also another Act passed in this Province and Jersey for shortning of law suits, & regulating the practice of the law, another in this Province for preventing the multiplicity of law suits, which Acts the Judges and other Officers of the supream courts have represented to me as distructive of the jurisdiction of those Courts; and being perpetual if more inconveniencies should be found, we have no remedy. The Assemblies in the Jersey's also past another act confirming the Ordnance for establishing Fees, which was drawn by a committee of the Council & Assembly and trenches much upon the fees & perquisites of the Secretaries office; It is aparent that it was the dislike of the person then in that office, against whom they had so often represented, which made 'em go these lengths.

Inconveniency in the Act for shortening Law suits, &c.

There was also an Act passed, whilst Coll: Ingoldsby Act'd as Lieut^{t} Gov: of the Jersey's, fixing the session of Assembly to Burlington, whereas by the tacit condition of the surrender, It was to be alternately at Burlington & Amboy; It was approved by her late Majesty, but is attended with many inconveniencies, particularly the remoteness of the place, subjects the Governor here, to much trouble and charge and when occassion shall so require, debars the Governor from holding the Assemblies of both Provinces at the same time, And that the Town of Philadelphia reap the chief benefit from the expence of the concourse on such occasions, that town being for the most part supply'd by the Philadelphia markets.

And in another, for fixing the session of Assembly to Burlington in the Jersey's.

Quære, whether an instruction from his Majesty, may not be sufficient to suspend the execution of that Act, and to restore that matter to its former state, as by the surrender.

There is one hardship which I have observed ever since I came into this country, which fall chiefly upon the poorer sorts; that is that there being no currency but of silver and bills of credit, the smallest of which is of two shillings, they have not the same relief from the ordinary

N. He proposes the making copper money there, out of their own mines, which would help trade.

markets as in other places; for this there is an easy remedy, if his Majesty would be pleased to grant it, there being a Copper mine here brought to perfection, as you may find by the Custom house books at Bristol, where there was imported from this place about a Tonn in the Month of July or August last, of which copper farthings may be coyned, to answer their ordinary uses, if his Majesty will be pleased to grant a patent for that purpose, as I have more particularly informed and pray'd the assistance of Secretary of state.

O. He refers to a paper marked S: T: for acct of stores of war remaining there, and of others sold.

The paper marked S: T: contains an exact account of all the stores of war sent hither for the uses of y^e^ Garrisons, and the expedition, and remaining still in my custody, as also an Acc^t^ of so much of those stores as have been sold by the publick vendue master, by virtue of a letter of directions from Col: Nicholson to me, and is still unpaid; the nature of those sales being such, that the buyers have long credit given 'em, however if your Lordships think fit that it be charged to his Majesty's credit in my Palatine Account, I am content to run the risque of receiving it. The article added to the vendue masters Accounts, is for some of the expedition powder sold by virtue of the Letter mentioned, which I am likewise content be placed to his Majesty's said credit; I wish a market could have been found for more of the powder remaining, for with all the care possible and expence of frequent cooperage and triming, we ran a risque of losing one halfe before the other can possibly be expended, the powder and barrels being so very old, and the magazine so insuficient; your Lordships will be pleased to observe that my credit in my Palatine Accounts sent home last year is ..... Sterling 32,144li 17s 2d

remarks upon the said Accounts.

That my D^r^ in the same Acc^t^ is ..... Sterling 10,800

By the inclosed account of sales of the Palatine stores I charge myself with ..... Sterling 694: 16 9½

And by the inclosed account of Sales of the expedition Stores I charge myself with which sums of 694.16. 9½

And 1087:11:11

making together 1782. 8. 8½

being added to my s^d^ D^r^ of 10,800. 0. 0

will make it 12,582. 8.8½

I beg your Lordships will be pleased to lay these Accounts before the Lords of his Majesty's Treasury, or to acquaint them that since my Palatine books were sent home, I have charged myself with the ..... 1782. 8.8½ mentioned, and am content that the same be placed to my debit in those books, tho' but a small part thereof be yet received.

P. He has still by him the cloathing sent by Col: Nicholson, they not being fit to give the soldiers.

I have still by me that cloathing sent hither from Boston by Col: Nicholson, to be disposed of as his Majesty shall think fit to direct; It can never be for his service, to give it to his forces here, for should they receive it without mutiny, which I much doubt, the hard winter would put an end to their misery, y^e^ coats being very poor rags unlined; they have in the mean time received compleat cloathings from me since the receipt of that, which were contracted for, provided and delivered out according to the standing directions of the Crown for that purpose; the other being forced upon me contrary

to those directions, I hope it will not be thought just to charge them to our Off-reckonings, thus humbly submitting my conduct to your Lordships Judgement, my circumstances to your compassion, and most humbly recommending my just claims to your favour & assistance, I am with all possible honour and regard,

My Lords
Your Lordships
most faithfull and
most humble Servant
Ro: Hunter.

New York
Novr 12. 1715.

Message of the Five Nations to the Commissioners of Indian Affairs.

[New-York Bundle, Bb., 39.]

At a meeting of Comrs of the Indian Affairs, in Albany the 3d day of October 1715.

Present— Pr Mathews, Johs Cuyler,
Hend. Hansen, Pr Van Brugh.

Two Sinekes with one Maquase being Messengers of the Five Nations say in their Name:—

That the Govr our Brother Corlaer did last year desire us the Five Nations to go out a fighting against the Indians living towards the South in war with the Christians; wch we have obeyed. Our Brother Corlaer did lately desire us to go to war against the said Indians or to bring them to terms of peace, upon which we have ventered eight of our men as messengers to them to desire them to cease from fighting against the Christians.

What our Brother Corlear has lately desir'd of us we have agreed and consented to it, and therefore sent the eight messengers with their lives in their hands, who have a great value in presents wth them, and are to return early in the Spring. Then we shall know what answer they bring from the said Indians, and we shall then acquaint you with it, and as a token thereof we give seaven hands of Wampum.

A true Copy.

Answer of the Commissioners of Indian Affairs to the Five Nations.

Att a Meeting of the Comrs of the Indian Affairs in Albany the 6th day of Octobr 1715.

Present— K Vn: Renslaer. Robt Livingston Junr
Pr Mathews. Myndt Schuyler.
Peter Van Brugh.

This day the Commrs sent the following Message to the Sachims of the Five Nations by two Sinneke Indians.

That upon the Proposition[1] wch they made to us after the departure of His Excy our Govr to have arms and ammunition to go to war against the Indians in war with His Majes subjects of

[1] See ante, p. 446. — Ed.

Carolina, upon which he has sent arms and ammunition for that purpose, which shall be delivered them when their armey is going out against the said Indians.

A true Copy examined by

PH: LIVINGSTON D. Secry of the Indian Affaires

(Indorsed)
Referr'd to in Brig^{r} Hunters
L^{r} of 12th Nov^{r} 1715.

Cors. Urom to Governor Hunter.

[New-York, Bb., 40.]

Rareington Octob^{r} 17th 1715.

May it please your Excell^{y}
Sir

The message I received from your Excell^{y} I delivered to the Sachims of Susquahanna the 26th Sept^{r} last, six of the Cheif of their names whereof I have thought fitt to mention underneath, and they rec^{d} it very kindly and in answer to it told me they would wait on your Excell^{y} next Spring; they daily go out to engage with the Carolina Indians and they brought in severall prisoners and scalps while I was there. I hope your Excellency will pardon my negligence in not acquainting you before this time, of this affair.

From your Excellencys most
obediant humble Serv^{t}
CORS UROM.

The Sachems Names.

Jayapen	Syawpokan	Wenalhittonequi
Skanondowa	Menakahekan	Wassawasku.

(Indorsed)
"Referr'd to in Brigd^{r} Hunter's
"L^{r} of 12 Nov^{r} 1715."

Secretary Clark to Secretary Popple.

[New-York Bb., 47.]

Sir

The inclosed was sent me from Amboy to forward to you by this opportunity, with directions to send you this extract from the minutes of Council concerning M^{r} Vesey the Bishop of London's new Comissary.

That he has been a Nonjuror I never heard disputed; whether he has taken the oaths upon his promotion has not yet appeared; but the giving commission however to nose the Gov^{r} and to inquire into his representations looks like an ill method to dispose him to more respect then

he formerly shewed. If he gave the Bishop any hopes of his endeavouring to reconcile misunderstandings that had arisen between him and a great part of his congregation, he has taken an od way to bring it about; for some days before his entry was handed about among the French and Dutch a copy of a letter attested by him, written by several of his parishoners, to my Lord of London, complaining of Mr Vesey's ill conduct, in which was a paragraph expressing our fears that his indiscreet behaviour would give those foreign congregations some advantage over us. This was urged with no little vehemence to perswade those people that the letter was designed as a complaint against them, and to stirr up their resentment against us; and it had the effect, till we gave them the opportunity of reading the whole letter. We have reason to think ourselves slighted by his Lordps furnishing Mr Vesey with a copy of our letter, without giving us any answer to it, and the use that has been made of that copy will but terrify others from making any representations in favour of the Church.

My Lord of London makes Mr Vesey his Cômissary it seemes, because he knows him better then any of the other Clergy. I inclose you a copy of his letter written to one of the officers in these troops when he was at Boston going to embarque for England; by which you may know him as well as his Lordship. He there very frankly offers a reward to procure him a stipend from home: does not that smell of simony? and you will see in the latter part of the letter how seriously he must lay to heart the reflections which his forced constructions would fain make ours import against the French and Dutch.

I humbly ask pardon for trespassing thus long on your patience, the subject and his Exlys commands have obliged me to it. I hope there is some way to skreen him from these affronts, or he must be very uneasy and his governmt rendered cheap. I doubt I must speedily be troublesome to you again on this affair; in the mean time I humbly recommend myself to your favour, and am with all possible honor, Sir

Your most obedient
humble Servant
Geo: Clarke.

New York
Novr 15, 1715.

The inclosed address will shew you the Grand Jury's thoughts of Vesey's conduct.

(Indorsed) "Letter from Mr Clarke Secy of New York
"to Mr Popple, dated 15th Nov. 1715, wth
"several papers shewing the ill practices
"and seditious behaviour of Mr Vesey the
"Bishop of London's Commissary there.
"Referr'd to in Brigadr Hunter's lrê to
"ye Secy of 9th Nov. 1715."

Reverend Mr. Vesey to Colonel Riggs.

[New-York Bb., 48.]

New York Decr 2. 1709.

My Dear freind Coll. Riggs

I humbly intreat you to remember me in England and to vouchsafe me your favour in these particulars, as

1st To put the Bishop of London in mind to adjust the affair of the farm, by the Queen's letter, or otherwise, before the new Governour leaves England that it may be no cause of dispute between him and us after his arrival.

2d That the farm tho' now of small rent £30 per annum will in a few years be much more considerable, and that it deserves the utmost efforts to secure it to the church, which may easily be effected at present, but hereafter not.

3d That if the farm and consequently my house rent be taken away, my income in this chargeable publick station will not support me.

4th That I deserve some encouragement as well as others haveing served the Church 12 years with success, that when the people belonging to the men of War have been sick on shore, have visited them and done offices for them, tho' their Chaplains have officiated as ministers of parishes at Boston Philadelphia and towns very remote from New York, and received the profits; and also that in the absence of the Chaplain of the Fort I have taken care of the sick soldiers and their familys, baptized their children and buried their dead; and all this without any consideration, except that for about two years I was Chaplain to the Triton prize, which is now gone; that Mr Harris at Boston who is three hundred miles and Mr Evans at Philadelphia 100, from this Province, are the Chaplains to the two guard ships of this Province; that besides what the Revd Mr Evans has at Philadelphia which is more than all my salary, he has a liveing of above £150. per annum in England; that the Missionarys of this Province besides their establishments here which are look'd on proportionable to the country as good as mine have all of the £50 each per annum from the Society.

5th That these are all worthy gentlemen and doe great service to the Church, and well deserve what they have, and I dont in the least envy their happiness; but with submission think that some care ought also to be taken of me, who have served the Church here much longer by many years than any of them, I may say it without vanity, with more success, whatever noise some of them may make in England.

6. Therefore in justice I ought to have the allowance of £50 per annum from England as well as they, since my ship is gone, my perquisites sunk, and my annual income sometimes leaves me in debt in this publick and expensive place, where a man is obliged to live in another manner than in a country town.

7. That my Lord Bishop of London be moved to petition the Queen in Council for such an annuall allowance out of the Treasury of £50. as his Lordship did for an £100. per annum for the Minister of Boston, Mr Harris, and I think as much for Mr Barkly and easily obtained it.

8. That if Coll Riggs and Mr Newman with the concurrence of the Bishop of London shall effect this great matter for me, *I shall make them both ample satisfaction.*

9. But if this can't be obtained (as I hope it may by the earnest application of my friends) then I hope my friends will procure for me the debt of £20. from the King's bounty, which I ought to have had when I left England, which King William promised for encouragement to every Minister that would goe into the Plantations and so was continued by Her Majesty Queen Anne, and that this £20. if procured (after Mr Newman is satisfied) be put into Coll. Riggs hands to be disposed of for me as he shall think proper, *either in sollicitations* or in goods, *Coll: Riggs reserving for himself so much as he pleases for his trouble.*

10th That Coll. Riggs will be pleas'd to give me a good character, if he thinks I deserve it, to my Lord Bishop of London, to observe what he said about the sermon I presented to him,

and say that I and my congregation are well satisfyed in each other and that there is great love and unity among us and the Church flourishes and that the Dissenting preacher at present is likely to gain no ground.

11th That (if Coll. Riggs believes me) I declare that whatsoever some might suggest to his Lordship, I never intermeddled with Government in my Lord Cornbury's time, nor ever did I council, advise to, or concern my selfe in his administration, so false is that detraction.

12 That I hope Coll Riggs & the Bishop of London with other friends will recommend me and my church to the favour and protection of the new Govr and that affectionately; otherwise I fear we shall sink under so great an opposition both from the French and Dutch, who maliciously seek our destruction

13. That Coll Riggs will enqure and send me word whether those laws, that concerned my salary and church, have obtained the Royal Assent, and if not, to put the Bishop of London in mind of them.

And Sir, if it comes in your way to serve me in any of these particulars, it shall be gratefully acknowledged by, Dear Coll:

Your most assured freind & Servant

New York Nov 15th 1715. W. Vesey.

I have compared the aforewritten letter with the originall and find it to be a true Copy

(signed)

John Johnson Mayor.

Lords of Trade to Secretary Stanhope.

[New-York Entries, J., 377.]

To the Right Honble Mr Secry Stanhope

Sir,

In obedience to his Majesty's Commands signify'd to us by your letter of the 9th instant, we have considered the extract of the letter from brigr Hunter Govr of New York therein refer'd to us, relating to a present to be made to the five Nations of Indians there, and to the augmentation of His Majesty's Troops in that Province. We have also consider'd what the said Governor writes to us upon those matters, and have examined our Books to see what has been done upon the like occasion and upon the whole we desire you will please to represent to His Majesty,

That New York being in the center of his Majesty's other Provinces on the Continent of America, and extending in breadth to the lakes and St Lawrence or Canada River, has been always reputed as a frontier to the British Empire there,

That the five Nations of Indians lying on the back of New York, between the French of Canada & settlements, are the only barrier between the said French and their Indians & his Majesty's Plantations as far as Virginia & Maryland,

That the French have made frequent attempts by their Missionary's and otherwise, to debauch the said Indians, and to draw them off from the intrest of the Crown of Great Britain;

which has been prevented from time to time by presents made to them, (particularly upon the accession of any prince to the Crown) and by the assurances from the King or Queen that they should be protected against all their Enemies.

Those Indians are the most Warlike people on that Continent, and are very much dreaded by all the other Nations there, so that they are capable in a great measure of turning European interest in those parts, to which side soever they incline.

By letters we have received from New York in July last, we are informed that the French were enter'd into the Onondage Country (which is one of the five Nations of Indians) with intent to build a Fort there, and so cut off our Trade and Communication with the said five Nations, And Brig[r] Hunter writes the French are debauching our Indians contrary to the treaty of peace, of which he has complain to the Governor of Canada. That he has lately had a meeting with the said Indians, and after some conferences with them, he has brought them to a better temper. and by means of a present of some Arms and Ammunition had engaged them to march with their associates to the relief of Carolina, and had given them assurances that his Majesty in consideration of this service, would send them a handsom present, besides which the said Indians had made him a proposit[n] on behalf of some far Indians for opening a correspondence Trade and Friendship between them and his Majesty's subjects, which may be of great advantage and it is not to be done but by the mediation of the said five Nations.

This being the state of affairs in relation to the Indians, we are humbly of opinion that it is absolutely necessary for the securing of them, and to defeat the endeavours of the French, that a present be sent them from his Majesty as usual, and we find by our books that in the year 1700, a present was sent them by his late Majesty King William, to the value of about £800, a copy of the invoice thereof is here inclosed for your informat[n] upon which We take leave to observe that the 400 fuzees mentioned in the invoice were furnished at the rate of 400[li] by the board of ordinance, which as we are informed is about 20 p[r] Cent dearer than such arms, as are fit for the Indian service, may be had for elsewhere, if this be so, there may be either an Augmentation of the present to the value of about 80[li] (which might be of service) or if that be not approved of, there will be so much saved to his Majesty.

At the same time the foresaid present in 1700, was sent to New York, there was 500[li] remitted to the Earl of Bellomont towards the building of a Fort in the Onondage Country, but his Lordship dying soon after the Earl of Clarendon then Lord Cornbury succeeding in that Governm[t]: We do not find that he did anything in it, nor do we know what became of that mony, but since Brig[r] Hunters Governm[t] he has caused a good Fort and Chappel to be built in the Mohauks Country where there was a Missionary & 20 private men with an officer; and he proposes that a convenient post be taken up Hudson's River on the entrance of the Lakes where a small Fort might be built for 500[li], which would awe our enemies encourage our friends, increase our settlements and by these means be in a little time of many thousand pounds value to his Majesty's subjects, by the security it would give to their persons and estates, and by the Augmentation of our Trade in those parts, with which opinion of Brig[r] Hunter's we concur, thinking it for his Majesty's service that such a Fort be built.

As to the Augmenting the forces at New York by two additional Companies, we are humbly of opinion that the four Companies now there, are not sufficient for the Garrisoning the Forts at New York, Albany Schenectady & the Mohauks County, and less so if his Majesty shall be graciously pleased to approve of building one at the entrance of the Lakes

as aforesaid and therefore we think such an augmentation is absolutely necessary for his Majesty's service, when his Majesty's other affairs will allow it to be done. We are

Sir,

Your most obedient and &c,

Rob[t] Molesworth,
Cha: Cooke.
John Cokburne
P: Doeminique.

Whitehall
Nov 18. 1715

Lords of Trade to Secretary Stanhope.

[New-York Entries, J., 426.]

To the R[t] Hon[ble] M[r] Sec[ry] Stanhope

Sir,

Letter to Mr Secry Stanhope upon Brigr Hunter's & Ld Archd Hamilton's letters, relating to interruption of Trade in the West Indies, to Naval Stores and to cloathing sent by Coll: Nicholson to New York.

Upon consideration of letters from Brig[r] Hunter His Majesty's Governor of New York, as likewise from other parts of America, we desire you will please to lay before his Majesty the following particulars, Viz[t]

That the Trade of his Majesty's Subjects in the West Indies, is very much interrupted by french ships under Spanish Commiss[ns] upon pretence of guarding the Spanish coast, which we hope may be prevented, if his Majesty shall think fit that application be made at the Court of Madrid;

The Province of New York & other His Majesty's adjacent Colonies raising much more provisions than serve for their own consumption, Brig[r] Hunter is of opinion, with which we cannot but concur, that the only solid way of preventing the total decay of Trade there, and consequently the ruin of those Colonies (of so great importance to this Kingdom, "is by setting on foot and carrying on vigorously the production of Naval Stores in those parts, In relation to which he further represents to us;

"That in and about the land on the Frontiers of New York are the finest and largest trees "for masts on the Continent of North America, particularly in a tract of land the Proprietors "whereof have made a proposal to furnish his Majesty's Navy with masts and yards, of which proposal We take leave to inclose a copy for his Majesty's pleasure thereupon and to add that we conceive Brig[r] Hunter well observes. "The Province of New York being a frontier "under his Majesty's immediate Government, and the Key of all the rest, may at least be "equally entituled to his Majesty's favour" Whereupon if it shall be thought consistent with his Majesty's Service, we humbly propose that his Majesty's pleasure be signify'd to Brig[r] Hunter, with proper authority to treat and contract for such and so many masts, yards, &c as his Majesty shall think fit.

We further take the liberty to acquaint you, that Brig Hunter at the same time informs us, "that he has still by him the clothing sent to New York from Boston by Coll: Nicholson, to be "disposed of as his Majesty shall think fit to direct but is of opinion that it will never be for "His Majesty's service to distribute it to his forces there;" alledging (to make use of his own

expressions) "that should they receive it without mutiny, which he much doubts the winter "would put an end to their misery, the coats being very poor rags unlined. That they have "in the mean time receiv[d] two compleat cloathings from him, (since the receipt of those "from Coll: Nicholson) which were contracted for, provided and delivered out according to the "standard directions of the crown for that purpose, and that the other being forced upon him, "contrary to those directions, and of no use, he hopes the same will not be thought just to be "charged to the offreckonings of the said Forces.

As we have formerly had occasion to examine into that cloathing deliver'd by Coll: Nicholson, and seen a sample of them, we must agree with Brig[r] Hunter that they are no ways fit for that cold climate, or indeed, to be delivered, as cloathing to any of his Majesty's Troops.

But as the Crown has paid for them, We offer that the Governor have directions to dispose of them as may be most for his Majesty's service. We are,

Sir,

Your most obedient and
most humble Servants,

JOHN COKBURNE
JOHN CHETWYND
CHA: COOKE
PAUL DOEMINIQUE

Whitehall
March 15[th] $17\frac{15}{16}$.

Lords of Trade to Governor Hunter.

[New-York Entries, J., 429.]

To Brig[r] Hunter.

Sir,

We are now to answer your letters to us of the 21 of May, 25 of July, 13 of August, 29 of Sept[r] & 12 of Nov: As also those to our Sec[ry] of 21 of May, 2[d] of July & 10 of Oct[r] last.

As you frequently mix the affairs of your two Governments in the same letter, we must desire for the future, that you will keep them distinct because as we keep different books for each Province, it will make it more aesy at any time to have recourse to any thing that is wanted.

In relation to the Act for the payment of publick debts, his majesty having been pleased upon our repres[n] to confirm it, & the order having been sent you long ago, we doubt not 'ere this, that you have received the same; however lest it should have miscarried we send you here inclosed a copy of the said order.

The Act for a General Naturalization has bee[n] some time with the Attorny General, for his opinion in point of law; and we have again writ to him for a dispatch thereof, and as soon as we have received it, we shall lay that Act before his majesty, or in case there be any objections to it, we shall send you a copy thereof, that the Assembly may have an opportunity of passing a new Act not liable to such objections before this be repealed, so desirous are we to do any thing that may tend to the quieting and settling the minds of the people there, we could

wish the Assembly had not put you under the necessity of passing that law without a clause restraining its being in force till his Majesty's pleasure were known.

As to the Act relating to sales by Vendue or Auction we shall leave it as a probationary Act, till we hear what you may have further to offer upon it.

We do not see any reason at present for confirming the Act appointing an Agent, it remaining in force till it be repealed Wherefore we shall let it lye by us, 'till there appear a necessity of laying it before his Majesty.

You may recommend to y^e^ Assembly the passing of a New Act for punishing of Negroes &c. not lyable to the inconveniencies you complain of in the present Act; otherwise we shall think ourselves obliged to lay the said Act before his Majesty for his dissallowance.

We must take notice that in the list of Acts sent with your letter of the 13 of last August, the first was not transmitted with the rest, Viz^t^ An Act for the better explain^g^ the Act for payments of the debts of the Government &^c^ which seems most to require being laid before his Majesty, and therefore we desire you will send it by the first opportunity.

We have considered what you write relating to presents for y^e^ Indians, to a new fort to be erected near y^e^ Lakes, and to the augmenting the forces at New York with two additional companies, and laid our opinion before his Majesty by a letter to M^r^ Sec^ry^ Stanhope the 18 of Nov: last, a copy whereof his here inclosed for your information. And we presume that the rebellion & disorders that have been here of late, have taken up so much of his Majesty's time, that his pleasure has not yet been declared thereupon: however we have again writ to M^r^ Stanhope, to desire him to receive the Kings directions, in order to our transmitting the same to you. We wish you had described the place were you propose the Fort to be more particularly, the nature of the situation, the consequences of it, and whether it might not be of use to obstruct the communication between Canada and Missisipi in case of a rupture with France, and therefor we shall expect it in your answer to this.

We reported your desire of having M^r^ Geo: Clarke of the Council of New York, and doubt not but Sir Tho: Orby has long since sent you the order for his admission we have also laid before his Majesty our opinion that Doctor John Johnston be of the Council in the room of D^r^ Staates deceased.

In your letter of the 13^th^ of August, you recommended M^r^ David Jamisson to be of the Council of New Jersey, and also of the Council of New York, by your letter of the 12 of Nov^r^ last, how far he may be capable of assisting & serving in both those Councils, we do not easily apprehend at this distance; As the late Earl of Bellomont did formerly make several considerable complaints against one of that name, we transmit to you extracts thereof, that if this be the same person, you may make enquiry into that matter, and let us know how he has behaved himself since.

But as to the appointing of a supernumerary Councillor, we do not think proper to propose it, for that in his late Majesty King William's reign an order of Council was made upon a report of this board, directing that for the future there should be no more than twelve Councillors in each Government, which rule was never broke till in the case of Col: Quary, surveyor general of the Customs on the Continent, who (at the desire of the then Lord Treasurer) was appointed a Councillor during his stay in each Province, where his business called him.

We are preparing a report upon what you writ to our Sec^ry^ the 10^th^ of Oct^r^ last, in relation to the Palatines and the Production of Naval Stores at New York, and shall take care to let you know his Majesty's pleasure so soon as it shall be declared to us,

We take notice of what you say in relation to the Scarcity of lands in the Province, which is a little surprizing to us, considering that the Act entituled An Act for the vacating, breaking and annulling several extravagant grants of land made by Col: Fletcher, late Governor of this Province under His Majesty passed in the 12 year of King Will^{m} was confirmed by her late Majesty the 26th of June 1708: We therefore cannot but think there is land enough, if the people were willing to extend their settlements, especially if his Majesty shall be pleased to agree to the building of a Fort near the Lakes. We know that there are several other extravagant grants not resumed to the Crown by the forementioned Act. Would it not be possible to bring the Assembly (as in the Earl of Bellomont's time) to a temper of vacating so much a least of the remaining grants, as will make the lands of use to the publick, or can you propose any other method for the doing of it?

We have laid before his Majesty the proposal for furnishing the Navy with large masts, with what you have writ upon it, as also what you write about the interruption of your Trade by French ships under Spanish Commissions and when any determination is had thereupon you shall not fail of having an Account thereof.

Having writ to S^{r} Nath: Lloyd to know what has been done upon the appeal relating to the Brigantine Eagle, he informs us, that the said appeal is dropt. as to your particular care of having the laws of trade and navigation put in execution, it is very commendable, and we doubt not, but you will on all occasions steadily perform your duty in relation to the said Acts of Trade & otherwise. So we bid you heartily farewell, and are

Your very loving friends
and humble Servants

JOHN COKBURNE
JOHN CHETWYND
CH: COOKE
P: DOEMINIQUE
J. ADDISON

Whitehall
March 15th $17\frac{15}{16}$.

P. S. We are sorry to find by your letter to our Sec^{ry} of the 14th of Nov^{r} last, from the Jerseys, that the experiment made on the Trees formerly prepared in the Province of New York for making tar, did not answer your expectation, and desire you will give us the best light you can into the reasons of its failure, since as you observe, trees there if rightly managed, are very fit for such production.

Secretary Popple to Governor Hunter.

[New-York Entries, J., 440.]

To Brig^{r} Hunter.

Sir,

You will see by the Boards letter to you here inclosed, that I have laid your Several letters to me before them, & by consequence that I have little to add to what their Lordships have writ. however something I shall say for your information.

As to the business of Vesey and Talbot,[1] I hope in a little time you will be made easy in it; for the board have taken such measures by speaking to the proper persons that it seems reasonable to conclude these two gentlemen will not long be troublesome to you.

There are several of the New Jersey Acts, and particularly the private ones that require to be sent to the Attorney or Solicitor General, for their opinion before the Board can present them to His Majesty for his approbation But there being no Agent here for that Province, enabled to disburse what may be necessary from time to time, those Acts will lye for ever in their hands for want of such agent to pay their fees; It is y^e^ same case with respect to Councillors; For if the Board had reported (as they were inclined to do) that the persons you had recommended should be appointed Councillors by his Majesty, nothing would have been done therein, for want of a person to pay the fees in the Council & Secretaries Office. I could give you many more instances of the necessity of having Agents to transact the bussiness of each Province, but that I am satisfy'd you are fully convinced of it your self I am

Sir

Your Most obedient
humble Servant
Wm Popple

Whitehall
April 16th 1716.

[1] Rev. John Talbot, Rector of Freethorn, Gloucestershire, England, was one of the first missionaries sent to America by the Society for Propagating the Gospel in Foreign Parts. Being Chaplain of the ship Centurion, in which the Rev. Geo. Keith came over, and being very much affected with the good undertaking the latter was engaged in, he offered to be his associate in his labors and was accepted. He arrived at Boston on the 11th of June, 1702, and spent the following year visiting and preaching in the several provinces, as far south as North Carolina. On 25th March, 1703, he laid the foundation of St. Mary's Church, Burlington, N. J., and on the death of Mr. Mott, in 1704, was offered the chaplaincy of the fort at New-York; but declined to quit the Society's service and was appointed minister of Burlington. In 1705, he went to England as a delegate to solicit the appointment of a Suffragan Bishop for America; returned in December of the following year, passed the winter preaching in New England and Long Island, and arrived at Burlington in March, 1708. His labors for the introduction of the Episcopate into the Colonies, resulted in the transmission of orders by the Society to Governor Hunter, in 1710, to purchase a house, and some land attached thereto, at Burlington, which was represented to them as suitable for a Bishop's residence. This purchase was accordingly made early in 1712, and a bill was ordered prepared to be submitted to Parliament, appointing four bishops in America, one of whom was to have his See at the above place. The death of Queen Anne in 1714, before this bill had been introduced to Parliament, frustrated this arrangement. This event, however, did not impair Mr. Talbot's zeal. In the year 1719, he was again on a similar mission to that of 1705, but failing in his application to the authorities of the Church of England, he was consecrated Bishop at the hands of Drs. Taylor and Welton, Nonjuring Bishops. He returned to America in 1722 and performed some Episcopal acts. This coming to the ears of the Society, together with complaints of his being a Jacobite, and with having neglected to use the prayers in the Liturgy for the King and Royal Family, his name was struck from the list of Missionaries, and Governor Burnet thereupon ordered his church to be shut up. He visited Maryland in 1726. He was much beloved by the people of Philadelphia and Burlington, who made great efforts to obtain his restoration; but, though he is said to have taken the oaths and conformed, his connection with the Society was not renewed. He died in Burlington in 1727. *Humphrey's History of Missions*, 76, 183, 185; *Collections of Protestant Episcopal Society*, I. passim; *Dorr's History of Christ Church, Philadelphia*, 45, 56. — Ed.

Petition of Samuel Mulford, &c.

[New-York Entries, J., 445.]

To the KING'S MOST EXCELL^t MAJESTY

The humble Petition of Samuel Mulford on behalf of himself & severall others the inhabitants of East Hampton on the East of Long Island within the Colony of New York.

Sheweth,

That the inhabitants of the said Township and parts adjacent, did from the first Establishment of the said Colony of New York, enjoy the Privilege & Benefit of fishing for whales & applying y^e^ same to their own use as their undoubted right and property.

That in the year 1664 General Nichols came to be Governor of New York who with his Council having the legislative power, did direct that the people who cut up (thrown on shoar) drift whales should pay every Sixteenth gallon of Oyle made of such drift whales, exempting the Whales which were killed at Sea by persons who went on that design, from any duty or imposition. And the inhabitants constantly & without further interruption appropriated to their own use such whales as they themselves killed at Sea.

That some time after Gov^r^ Dungan came to the Government and he caused all Drift Whales to be seized for the use of the Crown but laid no claime to such Whales as were killed at Sea, and brought in by the fishers; there was no pretence to seize such Whales, or to exact any thing from the fishermen on that account, being their ancient right and property. Thus the inhabitants had the right of fishing for Whale preserved to them, and the Crown the benefit of all drift Whales, and every thing seemed well established, between the Crown and the people, who continued chearfully, and with success, to cary on the said fishing trade, until the year 1696, about which time the Lord Cornbury now Earl of Clarendon came to be their Governor.

That no sooner was the said Lord Clarendon settled in his Government: but it was given out that the whale was a Royal fish, and belonging to the Crown; and therefore he would suffer no person whatsoever to fish who did not obtain from him licence for that purpose which he was sure to make them pay for, and also contribute good part of the fruit of their labour; no less than a neat 14^th^ part of the Oyle and Bone when cut up, and to bring the same to New York an 100 miles distant from their habitation, an exaction so high and grievous, that few people did ever comply for it, others were wholly discouraged from fishing, and the trade it selfe very sensibly declined thereupon, and now lately since the same methods have been revived is almost intirely destroy'd.

That in the year 1711, there was a Writ directed to the Sherrif to seize all whale fish whatsoever which created a very great disturbance, and thereupon some few persons knowing no remedy, did for that time comply & pay what was demanded, and since that time a formal prosecution at law hath been commenced against your petitioner in her late Majesty's name for employing men (the native Indians) to go on the high seas to kill, bring on shoar, & convert the whale fish Royal, to the Crowns damage 50^li^: This prosecution is now at issue upon y^e^ point in law & will very speedily receive a Judgment.

That your Petitioner, on behalf of himself and others the whale fishers there, most humbly apprehends, that as y^e^ said fishery hath heretofore been carried on to the support of many

families and benefit to the Colony in General and with great advantage to the Crown, such an imposition would be too great a discouragement and intirely ruin and destroy the same, the person concerned will not be brought to undergo the hardship of waiting out at sea many months, & the difficulty of bringing into New York the fish and at last paying so great a share of their profit, and as y^e^ said fishery at present is in so uncertain a condition, that it seems absolutely necessary some determination should be given concerning the same

Your Petitioner therefore most humbly prays that in regard Judg^mt^ in y^e^ said prosecution will be speedily given before any examination of the matters in this petition & determination can thereupon be had; that by your Majesty's Royal Injunction the said Prosecution (now carried on in your Majesty's name) may be stay'd until your Majesty's pleasure shall be further made known, and that your Majesty will be graciously pleased to give such direction for the examining regulating and settling the condition of the said fishery as to your Royal wisdom shall seem fit & convenient.

And your Petitioner

Shall ever pray &c.

Governor Hunter to the Lords of Trade.

[New-York Entries, J., 458.]

To the Right Hon^ble^ the Lords Com^rs^ for Trade and Plantations

My Lords,

A. He has recd the Board's letter of 7 Sept with instructions.

About a month ago I had the honour of your Lordships of y^e^ 7^th^ of Sept^r^ last, with my instructions by the hands of Lieut: Blackhall, who came by the way of Virginia the Vessel in which he embarqued in England not being yet arrived, this is the first conveyance from hence since my receipt of these mentioned.

B. Their Indians have made a successfull Attack on the Carolina Rebel Indians,

Your Lordships have I doubt not received the Accounts of my transactions with our Indians, they have since that in parties atacked the enemies of Carolina, brought home several scalps and some prisoners, which last I intend to send to Carolina if they can be saved, the Gov^t^ there having desired it. My last advices from thence gives me hopes that that Barbarous war is near an end but if it should not our Indians will march in a body in the spring to attack them, this I think may serve for an answer to that odd Memorial of M^r^ Lodwicks, I show'd it to the Gentlemen of the Council who were as much surprized at it as I was, & such as used to correspond with him utterly denyed that they had ever wrote to him to that purpose, neither is it probable that they did, for there are but few instances, where we have differed in opinion, and not one of any personal difference as to Coll: Peter Schuyler by reason of his infirmity, he has not been able to attend the Council these 2 years of which he is president, he is Col: of the Militia, first Judge of the Pleas in the County where he lives, and he is first in the Commission for Indian affairs, I never had any interviews with the Indians but he was either present or called and that meerly for forms sake for there is no manner of necessity for his being so (with M^r^ Lodwicks & M^r^ Nicholsons good leave) the Indians can see as far at least into a Milstone as

and in case of need he'll send 'em all in a body next Spring.

C. The Councillors of New York surprized at Mr. Lodwicks memorial

Coll: Schuyler not able to attend the Council.

he has several places.

no occasion for him as to the Indian affairs.

either of them, and have a very just opinion both of Mr Nicholson & Mr Schuyley, in short my Lords the Mem^{l} is Mr Nicholsons, and (asking your Lordships pardon for taking up so much of your time about it) please to take my answer in as few words as I can.

Ludwicks memol was Mr. Nicholson's.

His answer to it.

Our Indians are not engaged with the Carolina Indians but agst them, the french have not one single Priest amongst them neither have they built fort or house in their country or near it, Col: Schuyler was never slighted but favoured & incouraged the Gov^{r} never had any difference with the Council Coll: Morris is a worthy Gent^{n}, has been of great use to the Government in both Provinces, and is best qualify'd for the post, he by your Lordships recommendation now possesses of any I know in this Province, and he is my favourite which is the only truth in the whole memorial.

D Acct sent of money expended there in buildg Forts.

The paper marked A. contains such an Acc^{t} I could procure of the sums remitted and raised for building the Forts here, no Forts have been built, but such as I have built by Her late Majesty's orders the bills which I by that order was directed to draw on the Treasury for that expence are not yet paid, having been positively rejected by the then Lord Treasurer all that I shall observe upon the Acc^{t} mentioned is this, that in those days when there was an ample revenue for the support of Gov^{t} all sums of money, that could be laid hold of was placed to the Acc^{t} of the Revenue and issued or pretended to be issued for that use, the account I send was stated by Mr Fauconnier, who was appointed receivor General by the Lord Cornbury so I shall not engage for its being very exact.

bills drawn on the Treasury here for that service not paid.

his observations on the Account.

E. No revenue settled for several years after his arrival there. All accts of that nature have been laid before the Council & Assembly.

Your Lordships know that there was no revenue here for several years after my arrival, I have given orders that the accounts of it since there was any be transmitted by this conveyance if they can be got ready, if not they shall certainly go by the next. I have constantly had all acc^{ts} of that nature laid before both Council and Assembly, your Lordships seem'd to think that it has been refused I cannot guess upon what grounds.

F. The revenue bill framed in ye same manner as that for payment of Publick debts approved.

The bill for a revenue for years is framed after the same manner as to the value of the coin with that for the payment of publick debts, which his Majesty by means of your Lordships generous recommendation has approved, that matter can in no ways affect our neighbours who have never yet comply'd with the Proclamation for the settling of coin, the bills for the payment for the support of Government are issued dispersed in both Provinces and in some of the neighbouring ones and a disallowance of that Act would bring with it a certain ruin to the Trade as well as to the possessors of such bill so that I humbly hope and earnestly beg, that your Lordships will be pleased to continue your goodness in recommending it to His Majesty or at least that it lye by till the expiration of the term fix'd for the currency of such bills by the Act, for tho' I am resolved to endeavour a remedy by an explanatory Act in the first sessions, I much doubt of success for tis not in the power of men or angels, to beat the people of this Continent out of a silly notion of their being gainers by the Augmentation of the value of Plate.

Proclamation for settling coin not comply'd with.

to disallow the Revenue Act will ruin the Trade.

He will endeavour to amend it by an explanatory Act but doubts of success.

reason.

G. Number of Militia 5060.

The number of Militia of this Province by my last account is 5060, I cannot say that the Inhabitants increase in that proportion (at least) as they do in the Neighbouring Provinces where the purchases of land are easier had, than with us, great numbers of the younger sort leave long Island yearly to plant in the Jerseys & Pensylvania,

could we extend our limits (concerning which I have offered something to your Lordships in my last) our people might keep at home.

The Trade of this Province does not decay, tho' the low rate of flower in the West Indies sometimes damps it for a season.

By our last advices from England we have the news of the Pretenders flight and the just punishment of his associates upon the first news that we received of that Rebellion (which was by a copy of His Majesty's speach to his Parliament upon that head.) I framed and signed an association against him & his adherents and transmitted it to the Council being mysef then in the Jersey's who also signed it, as did almost all ranks of men, a copy of which your Lords will receive with this marked B I rejoice with your Lordships and all good men for this success of His Majesty's Arms and doubt not but God who has hitherto so wonderfully bless'd him in spite of the crafty devices & impudent efforts of his enemies at home and abroad, will establish his Throne and prosper his reign, on which alone depends y^e^ prosperity of his people & the security of christendom.

I troubled your secretary with an Account of the ill usage I had received from my Lord of London and something of the conduct of his new Commissary M^r^ Vesey, that gentleman has thought fit to humble himself of late, to acknowledge his errors and promiss very warmly a more commendable conduct for the future I hope he is sincere, he has owned that he was put upon going to England by M^r^ Nicholson who used him ill for declining it when he first proposed it. The late Chief Justice it seems was in y^e^ plot, but he is dead and I shall say no more of him, but that he was the most ungreatfull of all men. I am labouring hard to get the City vestry to pay him his salary, which hitherto they absolutely refuse affirming his disertion to be an actual avoidance. his own conduct and that of some of his friends has given but too just grounds for their aversion, M^r^ Tho: Clarke his chief agent here and then church warden stands now indicted by the grand Jury as in the paper marked (C) as does also M^r^ Vesey in that marked (D) I shall interpose in the latter, the former shall take its course. for further Accounts of the affairs of this Province I must beg your Lordships patience till the next conveyance, having so much upon my hands at present of the affairs of the Jerseys. In the mean time, I am with all due sence of honour and duty

My Lords

Your Lordships

most obedient and

most humble Servant,

Amboy
April 30. 1716.

Ro: Hunter.

Governor Hunter to the Lords of Trade.

[New-York Entries, J., 466]

To the Right Hon^ble^ the Lords Com^rs^ for Trade and Plantations.

My Lords

Whilst I lay oppressed w^th^ a heavy indisposition and another heavier Load[1] I wrote to your

[1] Alluding to the death of his wife, which event is mentioned in a letter of the Commissioners of Indian Affairs, dated 16th August, 1716. *New-York Colonial Manuscripts*, LX. She was daughter of Sir Thomas Orby, Bart., of Burton Pedwardine, Lincolnshire, and relict of Lord John Hay, second son of the Marquis of Tweedale. — Ed.

Secretary only to own the receipt of your Lordships commands of the 15th and 22d of March $17\frac{15}{16}$ and of the 30th of May 1716, to which I now laid my answer in the best manner my present state, which is little better will allow me.

This Province lyes under the deepest obligations of Gratitude to your Lordships, for that regard you shew to their Interest, and care in what relates to the Naturalization Act, I well knew and told the warm promoters of that Act, that they had by that draught (which alone could satisfy them,) subjected it to many just objections, which might either damn the Act itself, or at least give some obstructions to the Royal Assent and approbation; but when your Lordships are pleased to transmit to me the Attorney Generals objections I make no doubt but the present Assembly, which is indeed the best I have seen here, will be prevailed upon to pass another for the same purposes not liable to these objections.

I most humbly thank your Lordships for his Majestys condescension, in supplying the vacancies in Council here in ye manner I recommended I assure you that in these and all other recommendations of that nature I have never had any other view than the publick service Mr David Jamison is the same person mentioned in the extracts of the Earl of Bellomonts letter to your Board, tho' much different in his character and conduct from what he is represented there to be, whither a mistaken piece of gratitude to his benefactor Colonel Fletcher made him enter into any measures or associate himself to any party of men which were not agreeable to the Earl of Bellomont, or whether some persons who believed they had too small a share in the countenance and favour of the former Governor, made their Court to ye latter at the expence of the reputation of those employ'd by the former, I shall not determine; but I'll venture to affirm, and offer to make it appear undeniably that the Earl of Bellomont has been most grosely imposed upon in the character of Mr Jamison. The real truth is this Mr Jamison after a liberal education at schools and Colleges in Scotland from some discontent, the prejudice of education or the folly and heat of youth, or all of them together, took occasion to join himself to that multitude which in the end of King Charles ye seconds reign, were called by the name of sweet singers, and were then distinguished from the rest of that distracted party by their renouncing the use of arms, and who were for burning every book except the bible as every body knows, who knows any thing of the history of that time and that sect. He was in company with others of that sort when taken prisoner by a party of the Kings forces while they were a worshiping after their own manner brought to Edenburgh and with them put into Bridewell when examined before the Privy Council where the Duke of York presided, they utterly renounced all use of Arms or any other weapons than prayer, so far were they from being condemned, that they never had any Tryal, but one Lockhart who had a ship boun[d] for America was ordered by the Govern[t] to go to the house were they were kept, and know of them whether they would voluntary go on board with him for America, most of them agreed to't, and such as did not however were put on Board with the rest, being arrived here the minister of the Fort Mr Clarke paid Mr Jamisons passage, and the chief men in the place reimbursed Mr Clarke and set him to teach a lattin school, which he attended for some time with great industry & success, but finding that incouragement but small, he entred himself into the Secretary's office, and afterwards farmed it of Mr Clarkson the Provincial Secretary during that time he apply'd himself to the studdy of the law, in which he acquir'd so considerable knowledge that he is in the opinion of all men inferior to none on this side, and has acquired a considerable estate, it is notoriously false that he had two wives at the same time, that woman said to be his first wife dyed here the other day, and never

affirmed she was otherwise his wife than before god as she phraised it having had a child by him in his wild days, he his y^e^ greatest man I ever knew, and I think of the most unblemished life and conversation of any of his rank in these parts; to his zeal for religion, & his art and management it is that we owe chiefly any legal establishment we have here for the church of England, as the present Rector hath frequently averred in his letters to the late Bishop of London amongst others, I humbly ask your Lords^ps^ pardon for taking up so much of your time with this narration but it is what I find my self obliged to, or lye under the imputation of having recommended a man to a seat in Council who was unfit or unworthy of it. I'll make every tittle of what I have said good against those who attack his reputation, under the pain of the forfeiture of my own, he knew nothing of my recommendation, and is far from coveting more trouble that what I have already given him.

I shall conclude this matter with this observation, that if all who were engaged in the distractions under King Charles the second, especially such as were then under age as he was, who were rebels 'tis true (as the President of the Scotch Council said) but it is as true that they were forced to be so, I say if all had been excluded from employments since the revolution many who have distinguished themselves in the defence & service of their country since that time had lived useless and dyed in obscurity.

I am at a loss for the true cause of the disappointm^t^ from the trees prepared for tar knowing nothing of that Art, but being by the late Queens order subjected to the direction of M^r^ Bridger who deserted and betrayed that design I laid hold of the only man in these parts who pretended to know any thing of the matter, he having by order from home attended that Manufacture some time in the east Country his method I transm^d^ to your Board, which differed little from what they had from Her Majesty's resident in Swedeland, what I chiefly guess to be the cause of the miscarriage is this, that the trees being barked by an unskilfull and unruly multitude were for the most part pierced in y^e^ inward rind contrary to strict directions by which means they became exhausted by the suns heat in the succeeding summer during which they stood, after the time appointed and proper for felling of them, many of them are good but not in that quantity that will answer the expence and labour; I must once more put your Lordships in mind of what I have so often affirmed that this country contains pine woods enough to answer the uses of all the navigation of England. the pine trees are full of Turpentine, for that itself is a beneficial Trade here, and turpentine and tarr differ only in this, that the one is burnt out, and the other tapt, but after the disappointments I have met with I cannot advise the renewing the project until we have persons skilled & practised in the method of preparing the trees in the country from whence we have that comodity, for I doubt all others are but pretenders.

I herewith send your Lordships (marked A) as exact a map, and explanatory Index of the country towards and about the Lakes as I could get framed, the place where I propose a Fort at present is the great carrying place or Fort Nicholson because of the uncontravertable title, the ready and easy communication with the other Forts, and the neighbourhood of the Pine Woods and Mast Woods, if necessity require there may be afterwards another built at the entry to the Lakes with greater ease.

It will not be any easy matter to carry thro' any bill on this side for a second resumption of Lands, tho' it is apparent that many of these resumed by the former Act were held by less extravagant grants than many which were left. If your Lordships will be pleased, to advise His Majesty to disapprove of that Act passed in 1710 the ninth of Her late Majesty's Reign

entituled an Act for the better settlement and assuring lands in this Colony, it may pave the way for the other, and this Act only barrs the Claims of the Crown which depends upon casual discoveries, all other claimants having entred their claims within the time prefix'd by that Act, when I was laid under a necessity of Assenting to that Act, I laid before your board the objections that lay against it, acquainting them that no injury could be done to the Crown, seeing a disallowance would at any time remedy that matter, and before the expiration of the three years prefixed put them again in mind of it; the want of a clause for saving the rights of the crown is a good reason for a disallowance, I think this is sufficient, tho' I could urge more reasons for the disaprobation of that Act, and it is apparent that extravagant tracts of land being held by single persons unimproved is the true cause that this Province does not increase in numbers of inhabitants in proportion to some of the neighbouring ones.

With the minutes of Council & Journal of Assembly (B and C) your Lordships will also receive the several acts passed in this last Session which are

An Act for the better repairing the fortifications of Albany & providing &c.

An Act for nominating Commissioners to let to farm the excise thro' this Colony.

An Act for discharging Killian Van Ranslaer, Major Dirick Wessels &c for and concerning provisions, ammunition and stores of war formerly in their hands.

An Act for destroying the wolves in the county of Westchester.

An Act for the Treasurers paying to his Excell^{y} 1025 ounces of plate.

An Act for appointing an Agent for this Colony, and

An Act for obliging all Vessels trading into this Colony except such as are therein excepted to pay a certain Duty &c.

Here is also another duplicate of the Act explaining the Act for the discharging and paying publick debts, which was sent home immediately upon its passing here and since that a duplicate thereof.

That for paying a sum to me is to rectify a mistake occasioned by the transcriber of the Act who had cut me off the sum of 120^{li} in my debt allowed, and passed in Assembly and to reimburse me some part of the charges I had been at in England for their affairs, during the time that they had no agent, the rest want no observations

I am informed that Samuel Mulford, whose name I have had occasion to mention formerly in mine to your Lordships is embarked for London, I must do this Province the justice to assure you that he is the only mutineer at present within it, he has in all administrations during his life hitherto flown in the face of the Governm^{t}, and his ever disputed with the Crown the right of whale fishing, and judgment has been given against him in the supream court in that case, after a long tryal and damages awarded by the jury, he is indeed the only person in either Province who thinks fit to dispute that right, he is now under prosecution for publishing and dispersing a false scandalous and malicious libel containing false and unjust reflections on the Governm^{t} as it was voted by the house of representatives, the present Assembly made an application to me in his favour to which I answer'd, as your Lordships will find it in the minutes of Council, Viz^{t}: that altho' that gentlemen stood accused of crimes of very dangerous tendency yet to shew what regard I paid to any application from that house so soon as he should apply to me in a dutifull manner for what was desired, for as yet he had apply'd in no manner at all, it should be granted, but he openly declared that he scorned to do it, and now is gone for England, for what purpose I know not, but if such as fly from prosecution for crimes & Misdemeanours against the Governm^{t} can entertain hopes of turning the prosecution against their Gover^{rs} your Lordships will have much more trouble, & the Govern^{rs}

much less ease, than I am sure you desire they should have; here inclosed I send you the libel mentioned.

With this your Lordships will also receive the acc^{ts} of the revenue in this Province since the time that there was here any such thing, I have directed the officers to send the like to His Majestys Treasury as their duty requires, I humbly take leave to assure your Lordships, that I am with the greatest honour

My Lords

Your Lordships

New York — Most obedient and most humble Servant

Oct^{r} 2^{d} 1716. — Ro: Hunter

The accounts of the Revenue go not by this conveyance, they not being ready they have assured me that they shall be ready by the next which will go a weeke hence.

Governor Hunter to the Lords of Trade.

[New-York Entries, J., 479.]

To the Right Hon^{ble} the Lords Comm^{rs} for Trade and Plantations.

My Lords

This serves only to cover the Treasurers Receiver Generals and Naval Officers respective Accounts. The Treasurers are in no good method neither will he put them into any other being as he pretends accountable by the Act to Gov^{r} Council and Assembly only, so that the deputy Auditor will not Audit them unless he is paid for't, for which the Treasurer has no allowance, as for my share I assure your Lords^{ps} that I have touched nothing but my bare salary & not one farthing for incid^{ts} I'll try if I can oblige him to put them into due form and send them to the Treasury.

My friends inform me that with the leave of the Ministry they have apply'd for a Parliamentary relief for me in the Palatine case, I most humbly and earnestly emplore your Lordships Patronage & recommendation in a case of so much Justice & compassion.

I am just upon my journey to the Jersey Assembly at Burlington. The Small Pox are raging in that place, and I am already addressed by many of the Council and Assembly to adjourn them for that reason to Amboy, I know not what to do, for I shall not have a Quorum of either at that place for the reason mentioned, and can not it seems adjourn them to the other because of that Act if the plague were there, and the country will be in confusion about their bill of credit the currency of which expires in a fortnights time unless remedied by an Act, the taxes which were to sink these bills not being as yet all payed by means of the evill influence & example of M^{r} Cox and his party. I shall do my best in that as in every thing to convince your Lordships that I have no views but the publick good, that I may be the better entituled to the honour of being

My Lords

Your Lordships

most humble and

most faithful Servant

New York

Nov^{r} 12 1716. — Rob: Hunter

Governor Hunter to Secretary Popple.

[New-York Entries, J., 449.]

To W^m^ Popple Esq: &c.

Sir,

The ship which was to carry the Packets having sprung a leake and return'd, this other by which this comes is sent off in such haste, that I have not time to add more, than to desire you'l inform their Lordships, that the Assembly in this place is now sitting in very good disposition for the Publick intrest; My journey to the Frontiers may give them some small interruption, the Indians being on their March thither to meet me.

A The Assembly well disposed for the publick intrest.

I have had no letters since those which brought me my licence, which I cannot make use of, least the Jerseys should run again into confusion, M^r^ Cox has writ over to M^r^ Trent of Philadelphia, and others his friends that that Province is certainly to be put under a separate Government. And I doubt not but he has assured his accomplices that he is to be the Governor, now all the use he can propose to make of this is to keep up the confusion he has raised and since his departure was well nigh laid, for a wretch one Hunt who has basely murder'd the High Sherif of Salem County (where Cox's chief tools live) being examined by M^r^ Lyal one of the Council, confessed and seemed Penitent for the Barbarous murder but said withall that one iuducement to his wickedness was, that he was made to believe that Col: Cox was on return Governor of the Province, and that he was secure, having been prompted to what he did by suggestions, that the Sherrif, Col: Sharpe the Judge of the County and Justice Wyatt had the chief hand in laying on the Taxes, Thus are these poor creatures deluded and misled, what I have to desire is not that it may not be made a separate Government but if the King does not think fit that it should as I believe nobody besides that vile party does, that some speedy method should be taken to undeceive the people who if never so well disposed will waver and turn doubtful upon these reports.

B. He cannot use his licence for fear of confusion in the Jersey's

Cox has writ that, that Province is to be under a separate Governmt.

Hunts examination for murdering the sherrif of Salem county

was induced to it by being told that Cox was to be Gov: of the Jerseys.

He desires the people may be undeceived as these reports

A letter from their Lordships to that purpose will effectually do the business. C I must still insist upon what I have so often writ, that if these Criminals Cox, Sonmans, Mulford and Huddy who have fled from Justice are not discouraged, or ordered back to take their tryals their numbers will increase, the administration here indanger'd, and the Ministry at home molested from time to time with false and groundless clamours Pray instruct M^r^ Bainfield & Philips in the best manner you can to apply in this matter, as you shall think most convenient, for that party like a greater of the same time at home subsists by lyes. I am without reserve

He insists on bringing Cox &c to their tryals.

and recommends that matter to the agents.

Sir

Your most obliged

New York humble Servant

May 13. 1717. Ro: Hunter.

Governor Hunter to the Lords of Trade.

[New-York Entries, J., 482.]

To the Right Hon^ble^ the Lords Com^rs^ for Trade and Plantations.

My Lords,

This Vessel going for Bristol I shall transmit the Acts past in the last Session here by a ship directly for London, next week, and by this conveyance shall only give your Lordships y^e^ trouble of y^e^ inclosed Accounts of my transactions with our Indians at Albany, amongst these your Lordships will observe some which relate to a complaint from the Governor of Virginia, the true state of the matter is as follows, I had prevailed with our Indians to interpose in the Carolina War, they had accordingly sent out several parties last fall to view the Indian enemies, and discover their situation, and the passages; after all that I have done for the relief of the people of Carolina, and for which their Gov^r^ seemed thankful, I have not heard from them of a long time, but hearing last fall by all our trading vessels, that they were near to a conclusion of a Peace with their enemies, and in order to it they had actually agreed to a cessation of Arms, I sent to our Indians to stop the march of their parties, and if possible to recal such as were marched, which accordingly did, but this one party of the Mohocks had got too far to be recal'd, and on the Frontiers of Carolina fell upon one of these Indian Nations who had been at war with Carolina, and a few years ago, had treacherously and basely murthered the Ambassadors of our five nations, that very night in which they had with them concluded a Peace, the Indian who comm^d^ the party declared that he saw no Fort and had he known they were under the protection of the English, or in terms of peace with them, he would not have attacked them, notwithstanding the great provocation I have mentioned, the five nations have made all the amends for the mistake (if it was one) which was in their power, as your Lordships will perceive by the inclosed papers which relate to that business, and have proposed the renewing the covenants with Virginia, which were long ago entred into by my Lord Howard (then Gov^r^ of that Colony) at Albany; I have advised Col: Spotswood to send deputies for that purpose, which I am confident will contribute very much to preserving the peace and security of all His Majestys subjects on this continent.

If I could with safety to His Majesty's affairs make use of my licence of absence at this time, I have not the means, Cap: Owen who commands our station ship, having thought fit to go directly for England from Jamaica, in the mean time our coast is infested with Pirates, I have secured here the master & boatswain of the pirate sloop commanded by one Paul Williams, who has committed several piracies in these seas, and this Coast, I have them in Irons in the Fort, not judging it expedient to trust 'em to y^e^ ordinary Goals, we are at a loss as yet what to do as to their tryal, but I have submitted it to the gentlemen of the Law for their opinion, having no advice of that Act of Parliament relating to such tryals, whether it has been renewed since its expiration or whether there be any commission at that Act directs for that purpose, by the Vessel mention'd which goes directly for London your Lordships shall have a more full account of all this matter with the evidence or affidavits against them, and their confessions, if they are to be tryed by a jury their fate may be doubtful, be the evidence ever so plain and clear.

Having received from our agent a copy of a memorial containing compl^ts^ against me, promoted and pres^d^ to His Majesty by M^r^ Dan: Cox, I have by this conveyance transmitted to

him as full and satisfactory an answer as ever was given to any thing of that kind, which if your Lords^{ps} please, he will communicate to you, by the contents of which you will perceive that if that country is not now actually in arms and Rebellion, it is not for want of pains in that Gentle^{n} and his associates, I have formerly acquainted your Lordships that all the divisions in the Jerseys were owing to him, and that he had fled from presecution for the same, and crimes of that nature, and thought that I had reason to insist that he should first be remanded to answer for his conduct to the laws here, before he could well be received as a plantiff on the other side, however I have now answered without regard to that, and cannot see what reparation it is possible for him to make for the injury he may have done to my reputation, by such false and groundless complaints, for thousands will hear of the accusation who may probably know nothing of my justification.

There remains nothing further for me to trouble your Lordships withal at this time but to assure you that I am with the greatest honour

My Lords

Your Lordships

most humble and

most obedient Servant

Rob^{t} Hunter

[July 1717.]

Conference between Governor Hunter and the Indians.

[New-York Bb, 77—84.]

Propositions made by His Excellency Brigadier Hunter Capt: Gên^{ll} and Governor in Chief &^{c} To y^{e} Mohogs Onneydes, Onnondages, Cayouges & Sinnekes. In Albany the 13th day of June 1717.

Brethren.

We are met at this place by order of the King of Great Britain my master by whose command and in whose name I now give you in this publick and solemn manner full assurance of his good will and affection towards you and his powerfull protection against all such as shall dare to molest you as friends to him and a people he has honoured wth his special grace & favour.

In the same publick and solemn manner I here in his name and by his command renew the ancient Covenants with the Five Nations, promising on his part that all y^{e} known Conditions of y^{e} s^{d} Covenant shall be punctually and duly observed, so long as you shall honestly and faithfully p^{r}form what has in all times hitherto been promised and performed on yours.

And to prevent all mistakes on this head, I must remind you what has ever been meant & understood by you as well as us, by the Covenant Chaine, that is that on y^{e} one hand the subjects of his Majestie on this Continent should not only refrain from all Acts of hostility or any thing tending that way toward you, but readyly assist you when you were attacked by others or enable you by such methods as were in their power to repell force by force or defend your selves, and on the other hand you were on your part to live in the strictest

friendship w^th^ all his Majesties subjects, and in case they should be attacked by any enemy whatsoever, to afford them the readyest and most effectual assistance in your power.

When I have received yo^r^ answer to these General Propositions, I am to make you a handsome present from his Majestie in token of his affection towards you, and in assurance of his protection to you.

Signed by, Rob^t^ Livingston Sêcry
for the Indian Affairs

His Excellency Brigadier Hunter's reply to the Five Nations at a Private Conference held by two Sachims of each Nation. In Albany y^e^ 13^th^ day of June 1717.

The Gentlemen to whom I intrust y^e^ management of y^e^ Indian Affairs in my absence, did send me word last fall that they had advice of the building a Fort by the French in y^e^ Senecas country. I for my part gave no credit to it, as well relying on the Covenant with the Five Nations & that Nation in particular, as upon the Treaty of Peace between Great Britain and France, w^ch^ expressly forbid any such attempt; so that y^e^ Gov^r^ of Canada durst not venture on such an open infraction of the peace lately concluded. It seemes the Commission^rs^ themselves did not give much credit to the report, seeing as you say they did not send the Message in form. However I have now ordered them to meet in order to give you satisfaction in that point from whence they had such reports.

I am very well pleas'd that you your selves have observ'd that we have in a manner furnished out that the French trading house, it beeing solely maintain'd by goods, either sent directly from hence thither, or by the canal of Mont Reall & Canada, it is and will, which must be prevented, and I shall forthwith use my endeavour to put a finall end to that pernicious trade which I am sure is hurtfull to both of us, and only serves to put money in the pockets of a few traders; but in y^e^ mean time I think it would be expedient that the French should be told by the Sinnekes to retire.

I have heard with no small concern that the base and false suggestion of an evill design of the English against you, had gain'd some credit with some of your number. I am sure the wise and considering part of your people know well that it is impossible it should be true, unless they can suppose that we are all run mad, and are resolv'd to fall upon our selves and murder one another; which I look upon to be a little better or worse than to fall upon you. You know by a long experience that this is the common artifice of the wicked and evill intention'd among y^e^ French to spread such reports, and to raise jealousies betwixt the rarest and best friends, in order to make their own advantage of such dissention.

But to cut of all suspicion at once if any such remain, I must acquaint you that I have orders from my master the King of Great Britain to renew the Covenants, and in his name to enter into the strictest bonds of friendship w^th^ you, and to assure you not only of his protection but assistance against all such as shall endeavour your hurt or mine.

I am sorry for the loss that has happened by the Small Pox to the brethren, or any of your friends and allies; but we Christians look upon that disease and others of that kind as punishments for our misdeeds and sin, such as breaking of covenants & promises, murders and robbery, and the like; what ever share we have had in the sins, we have had our share in the punishment; for in Pensylvania, which lyes next to Canistoge, there is not one

Christian family that has escaped that disease, and at present it rages and as for twelve months past in the Jerseys, one of the Provinces under my command and also adjacent to the Shawahahs; and we firmly believe y^{t} so long as we continue the practice of these sins, our plague also continue.

That report that you have from some farr Indians of a league or agreement between Virginia and Carolina &^{c} to attaque you is as false and groundless as the rest; for instead of a message from thence to me for that purpose as has been suggested to you, y^{e} last message from thence to me for that purpose, as has been suggested to you y^{e} last message from the people of Carolina who were attacked by their neighbouring Indians in cold blood, was to thank me for what I had proposed to you for their defence, and to thank you for what you promised to do for their ease, and to assure me that in case the Treaty of Peace with the Indian enemy, which was then on foot, should not be concluded, they would acquaint me & make good all such stipulations and conditions as I should agree and settle with you, to ingage effectually in their assistance. Since that time I have heard nothing from them, but expect news every day, which when receiv'd shall be communicated to you.

(Signed by, Rob^{t} Livingston Sêcry to
y^{e} Comm^{rs} of Indian Affairs.

Private Conference between His Excell^{y} Brigadier Hunter Capt. Gen^{ll} and Governour in Chief &^{c} and two Sachims of each of the 5 Nations. In Albany the 13th June 1717.

Dekanissore Speaker.

Wee have had two messages from hence one last fall and an other this winter (shewing the Belt they had received) to enquire if the French had built a Fort and planted a garrison on this side the Great Lake, at a place called Terondoquat belonging to the Sinnekes: we could not then give a positive answer till we had sent the Belt as far as the Senekes: but now can tell Your Excell^{y} that there is no such thing, but that the French have built a trading house at the said place, where they supply our Indians wth powder and lead to fight against the Flatheads and other enemies of the Five Nations; and must likewise acquaint you that our people are furnished with other goods also at the said French trading house as clothing and other necessaries, which stops a great deal of peltry coming hither; but the French are supply'd with all those goods from the people here at Albany which goes first to Canada and from thence up Mont Royal river and so to Terondoquat, where the French trading house is built upon ground belonging to the Sennekes. If you will stop that trade of goods being carried from hence to Canada the other trade will fall of course.

It is our custom when we send any message of news as this of the French design to build a Fort in the Sennekes country, we send an account of the author of it, & whence the news came; but we heard no such thing, only in general there was such a rumour; but can tell you that we had strange news come to us, that y^{e} Christians had a design to Cut us all of, and if your Excell^{y} pleases we can give you a particular account of whom we had the news, which has caus'd a great uneasiness among us of the 5 Nations.

Wee are informed that a Christian Sachim an Englishman who lives near Canistage which lies upon the Susquehanna River, should say that it was agreed upon between the King of Great Brittain & the Regent of France to cutt of all the Indians of North America, and the

reason was (as we are informed) because their subjects are grown too numerous that their Kingdoms cannot contain them. It is therefore concluded between them to cutt us of, to make room for their people to setle upon this continent. This Message has been sent us thrice, but no present or token sent with it according to custom; which made us doubt of the truth of it. Nevertheless if any of our neighbours should have any such bad design, tho' we are not a great people, yet they would find it a hard task to subdue us.

We are apprehensive that y^e^ great mortality which we had among our people last fall, of the Small Pox, has been sent us from Canistoge, Virginy, or Maryland, and are therefore resolved to send some of our people thither to discover if possible who has been the occasion of sending that contagion among us & to see to disswade them from such pernicious practices for the future

We are senceble it is customary among us to lay down strings or belts of wampum upon such occasions as this; but desire to be excused because we have none and cannot procure or purchase any; but what we relate is the truth.

We must also inform your Excell^y^ that we understand that the Governour of Virgeny, Maryland, and those to the Southward had formed an enterprise to cut off the 5 Nations and had sent to your Excell^y^ to joyn with them; but that you had refus'd and disswaded them from any such expedition. This we hear by some of y^e^ Nations of Indians who were desired to be assistant in this action.

His Excell: ask'd them from whom they had that strange news y^t^ the Christians had determined to cut them of, & to which of y^e^ 5 Nations the news came first; but they could give no satisfactory account, alledging they gave not much credit to it, neither could they name the Nation to whom the news was first brought or the persons that brought it, neither could they name y^e^ Indians that were to assist at the enterprise.

signd by Robert Livingston
Sêcry for the Indian Affairs

His Excell^cy^ Brigadeer Hunter Cap^t^ Generall and Govern^r^ in Cheif &^c^.
Propositions to the River Indians. In Albany y^e^ 15^th^ June 1717.

I sent for you my Children, to give you fresh assurance of y^e^ protection of y^e^ Great King our common father, our master and Soveraigne, and to acknowledge in this publick manner y^e^ just sence I have of your dutyfull behaviour and fidelity to him, and your good affection to your brethren y^e^ rest of his subjects in these parts; and in his name and by his order I now give you a present of such things as are of use and service to you, and doubt not but you'l continue in and keep firm to your duty, in all times to come, as you have done in times past; and so doing you may rest assured not only of protection, but of all other good offices in y^e^ power of those in authority under him.

signed by Rob^t^ Livingston Sec^ry^
of y^e^ Indian Affairs.

Propositions made by the Sachims of the Five Nations to His Excellency Brigadeer Hunter Cap^{t} Gen^{ll} & Gov^{r} in Cheiffe &^{c}. In Albany y^{e} 15 day of June 1717.

PRESENT—His Excell^{cy} y^{e} Govern^{r}. Coll P. Schuyler.
The Mayor and y^{e} rest of y^{e} Commissioners of y^{e} Indian Affairs; and severall gent^{n} of N. York and Inhabitants of y^{e} city of Alb^{y}.
Lawrence Claese Sworn Interpeter.

Dekanissore Speaker.

Brother Corlaer

You told us that y^{e} large present made us yesterday is from y^{e} Great King our master, whose subjects we are, for which we are thankfull for his favour and kindness. Since y^{e} very first beginning that Christians began to settle at N. York we have liv'd always in amity & in peace because we have always been one heart one mind & one blood intirely united, & no man ever hated his own flesh. We very early entred into a Covenant with one another, which has been kept inviolable by both sides to this day & hope shall ever continue, and have had a continuall trade & commerce together, which did encrease our love and frindship & had good satisfaction for y^{e} Bever and peltry we traded; but of late goods has grown dearer, and we have often made our application to have y^{e} goods sold cheaper, but it has not been granted. We desir'd y^{t} y^{e} great King may be made acquainted with it, & also we have had litle success in this affairs hitherto. We continued to supplicate y^{t} goods may be sold more reasonable, and if it be not granted, our children after us will always insist upon y^{e} same subject till it be granted. We fear our request is not sent over, and that y^{e} King is never made acquainted with it, but is lost by the way; for if he was rightly informed, we doubt not but he would commisserate our condition. The reason why we desire that goods should be sold cheaper here is, y^{t} all Indeans who trade now with y^{e} French may be induced to come & trade here; the Indeans would desert Canada; & then this place will have a vast trade & great quantities of bever & peltry will be brought hither.

Brother Corlaer

You are very senceible that we have a great many poor among us who have not wherewith all to satisfy for mending their hatchets or gunns, & pray y^{t} care may be taken their arms and hatchetts may be mended at y^{e} publick charge. We have done now and acquaint you that we design to depart early on Munday morning and hope y^{e} arms will be mended by that time; if not those y^{t} are not help'd will stay till it be done. And gave his Excell^{y} a present of some bever & peltry.

His Excellency's Answer.

Brethren.

I do thank you for your present & do assure you that all your propositions that ever you made to me were sent over to the King, & so shall those you make now; but I must tell you as I have done before, that y^{e} price of goods does not depend on any persons will, ye. marcat must govern, that which is sometimes higher sometimes lower, but y^{e} best way

that you can take to get y^e^ full value for y^e^ skins is, not to go into the trader's houses with your paks, but to stay upon y^e^ hill, & try who will give y^e^ most, for your bever, & sell them by retail, and then you will have y^e^ full value for y^e^ skins. As for your gunns and hatchets that are out of repair, let them be brought to Philip Livingston, whom I have given order to get y^e^ Smiths to mend them out of hand, & what cannot be mended to day shall be done on Munday. The Indians thanks his Excell^cys^ for his kindness and for his good advice, but hoped that his Excell^cy^ would endeavour to prevent y^e^ traders meeting them 2 or 3 miles upon y^e^ Road, and forcing them to go to their houses, which we have found by experience to be a considerable losse.

His Excellency told them he would take care there should be no forestalling of y^e^ market and y^t^ y^e^ Traders should not meet them out of town & so oblige them to go to their houses, but that they should be free to go to try y^e^ markett where they please in y^e^ City.

Answer of the River Indians to his Excell^y^ Brigadier Hunter's Propositions. In Albany the 15^th^ of June 1717.

Father Corlaer.

We are here come before you and rejoice that you are not forgetfull of your Children that live in those remote parts, and thank you for the present, and as obedient children shall always continue our dutifull behaviour and fidellity to the Great King our common father, master and Sovereign, and our good affection to all our brethren the rest of his subjects in these parts.

Father.

We have nothing more to say; we do nothing nor never shall without our Father's commands and shall attend and hearken to whatever our Father shall say to us. Do give a Belt.

Father,

We are here planted under the great Tree of the King of Great Britain's protection, and shall never be affrighted tho' the sky should thunder and lighten, as long as we are assured of the King's protection, and tho' the Earth and Trees should shake yet we shall never be dismayed; and hope and wish that the roots of that Tree shall never dry or wither, but always be green and flourishing as long as the sun and moon endure. Gave a Belt of Wampum.

signed by Robert Livingston Sêcry
to the Indian Affairs.

Proposition made by his Excell^y^ Brigader Hunter Cap^t^ Gen^ll^ and Governour in Cheiffe to y^e^ 5 Nations, viz^t^ the Maquase Oneydes Onnondages Cayouges and Sinnekes. In Albany this 16^th^ day of June anno 1717.

Brethren.

The last time that I mett you at this place after renewing our antient Covenants and promising mutuall freindship in the usuall form and with all due solemnity, I acquainted you that some Indian Nations had in the time and under the cover of a profound peace, fallen upon our brethren and yours his Majestys subjects of Carolina, and barbarously murdered many of them in their beds. You then declar'd your just indignation for that cruelty and

readely offered your assistance toward obligeing those Indians to a peace; and he who spoke for you, declared that your opinion of that people was, that they were base faithlesse and treacherous, and the only way with them was to destroy them.

Last fall I sent you a message that those Indians were then enter'd into a treaty of peace with the King's subjects; for which reason I desir'd that all acts of hostility might cease till further orders, or that we should hear of the issue of that treaty.

At this meeting here at this present time I have again in His Majesty's name and by his order renewed our antient Covenants with you and given you all imaginable assurance of his good will and protection, and the declaration you made and the assurance you gave being still in your minds seeing they came but yesterday from your mouth, it will be unnecessary to repeat them. This morning a gentleman is arrived here expresse from Virginia, by order of the Governour there to complain of a grievous insult on some Indians under the protection of His Majᵉ and that Government.

The case is stated thus in that Govʳˢ letter to me. The Catawba Indians who have been at warr with South Carolina apply'd to the Govʳ of Virginia for establishing a peace with his Majᵉˢ subjects, and accordingly begun with a cessation of arms and hostility and promis'd in a certain time to deliver to that Government severall of the Children of the Cheiffs amongst them as hostages for their future fidelity and performance of their covenants, which Children were to be educated at School in Christiana a Fort on their South West frontier Some time after they make peace with South Carolina and were perfectly reconciled to his Majᵉˢ subjects there and in pᶠformance of their promise came to Fort Christiana with their hostages, consisting of eleven of their own Children and some of the small Nations their neighbours. Upon advice of their arrivall there, the Governor himselfe went to Fort Christiana on the 9ᵗʰ of April last. The next morning by break of day those Indians lying without the Fort and haveing, as the discipline there is, delivered up their arms were attacked by a party of your men, who fireing amongest them as they lay asleep, killed five, wounded two, and carried away prisoners Willmannantanghkee, Cheife of the Cattabaws and five others, one of which afterwards made his escape, and is return'd and confirms that the party consisting about forty were all of your people, except 5 or 6, that their intention was to fall upon the Sapponce Indians a Nation in frindship with and tributary to Virginia, and that they gave out that in a short time they would returne and cut off all the Sapponces and the English themselves in their neighbourhood.

That Governour takes notice of what you know to be true that 32 years ago there was a peace concluded at Albany between the Government of Virginia and its Indian frinds on the one hand and your Five Nations on the other; and that it is most certain that it has been strictly kept, and its conditions performed on their part, as they have beene in a particular manner commanded by His Majᵉ and his royall predecessors to do. How far this action is consistent with the terms of that peace he bids the judge, especially considering that those Cattawba Indians were at that very time there under the protection of the publick faith, and under the walls of an English fort

He expects as he has just reason to do that you shall make all possible reparation for this insult. In the first place by giving up or restoring the prisoners taken, and seeing he has sent this Gênt. so far to expostulate with you, who indeed was to have gone into your own countrey, if he had not mett you here, that you will send some of your Deputyes to Virginia or at least to the nearest fronteer of that Colony, where he is willing to meet you himself in order to the

setling a good understanding with you, and fixing a solid and firm peace for the future. In case you think fitt to send Deputyes to the frontiers of Virginia or by land by the ordinary road through the Christian settlements, this Gentleman whom the Gov^r^ has sent hither is willing to accompany them and remain with them till they arrive.

And I conceive it to be my duty in his Maj^es^ name to require of you that all possible satisfaction should be made for this heavy insult, which I am willing to believe, as I have heard has been privately suggested, took its rise from a mistake; for as yet I have a better opinion of the faith of the Brethren then to believe that they would take up arms under a pretence of assisting his Maj^es^ subjects, but with a reall intention to fall upon them or their freinds.

A true Copy examined by

Rob^t^ Livingston Secr^y^
for y^e^ Indian Affares.

Answer of the Five Nations to his Excell^y^ Brigader Hunter Cap^t^ Gen^ll^ and Gov^r^ in Cheiffe &^c^ unto the Propositions made to them yesterday relating to Virginia. In Albany y^e^ 17^th^ day of June 1717.

Brother Corlaer.

It is but lately since we renewed the Covenant Chain between us, and have mutually engag'd to keep the same inviolable and assoon as we had don you told us that an expresse was come from Virginia with a letter from the Governour there. We shall not repeat the contents of that letter; it is fresh in our memory; we will relate it at large to the rest of our people as soon as we come to our castles: we shall only answer the principall heads of it now. You tell us that some of their frinds, Indians, that were about concluding a treaty of Peace with the English, were murdered without thinking of any harm and our brother from Virginia is come to enquire by whom the insult is done. We own that we have committed the fault, but the prisoners we took were only two, one whereof made his escape and returned to Virginia.

Those Indians called by the English Cattabaws are called by us Toderichroone, are a false & treacherous people; we have twice had sad experience of it. Our people had concluded a firm peace and allyance with them three years ago, and were in companie together, but the said Indians rose up in the night time while the Indians of the Five Nations were asleep and kill'd four of them and wounded one in the shoulder, who dy'd last summer. This perfidious murder they acted the same night after they had concluded the peace: the people that were thus murder'd by them belonged to the Cayouges one of our Five Nations.

The Indians in those parts have been of a long time our enemies, and we were wholly ignorant which nation of those Indians were frinds of the English. We have been so exasperat formerly against those Indians, that we have taken them prisoners even out of the Christians houses.

Brother Corlaer.

We have now told you the reason why our people have don this deed, because they so treacherously murder'd our people; but if we had known that they had been frinds of the English our brethren of Virginia we would not have touch'd them and for the future to prevent all mischieff we promise that none of our people shall hence forth go out a fighting that way, and assoon as we get home we shall warn our people accordingly in all our Castles. Doo give two Bever skins.

Brother Corlaer.

We are thankfull to our brother the Gov^{r} of Virginia that the Covenant Chain has been kept inviolable on his part: as to what relates to his message that we should send Deputies there to treat with him and adjust all matters; we must acquaint you that we are first to consult with the whole Five Nations before we can send Deputies thither. We have no presents to take along as is customary upon such an occasion, but we shall keep the Covenant Chain inviolable, and not suffer any of our people to go thither to annoy any of the King's subjects.—Do give a Belt of Wampum.

It is well known to all the Brethren here that this place Albany is and hath always been the place of Treaty, neither are the Brethren of Virginia Maryland and New England ignorant thereof; and therefore hope this place will not be dispised, but held in as much esteem now as it was by our ancestors.

There is no place appointed for a publick place of Treaty, but this, where the peace was concluded with the Governm^{t} of Virginia 32 years ago and the hatchets buryed: and desire therefore that the Governour of Virginia may send his Agents hither, to renew the said peace or Covenant Chain which was made so long ago. The Gov^{r} of Virginia may if he pleases send some of the Cheif Indians that are tributaries to him, to confirm the peace; and the rather because your Excell^{y} may be a witness to it and hear what is transacted and concluded between us.

We beg yo^{r} Excell^{ys} answer to a question which the 5 Nations do now ask: Whether it will be convenient to meet the Gov^{r} of Virginia Agents here this summer or next summer? This we propose because we think it unreasonable to conclude any thing without your Excell^{ys} advice; and if those of Virginia think fitt to have a gen^{ll} meeting here we shall be ready to attend them. In token whereof do give a few bevers.

His Excellency demanded that prisoner which they brought from Virginia, which they own'd to have taken from thence.

The 5 Nations answer, that to their great sorrow the prisoner, a young woman or squa, that was brought from thence runn away eight days ago from the Mohogs country, els' she should be forthwith delivered up. This we can assure you is matter of fact, and we have taken great pains to get her again. This, if your Excell^{cy} pleases, can be verifyed by the Officer Capt. Scot and all the garrison of Fort Hunter in the Mohogs country. If we can possibly get her again we shall immediately surrender her up to y^{r} Excell^{y} that she may be sent back.

His Excell^{cy} told them that before he could make answer to what they had now laid, there was something in the Gent^{ms} instructions that was come from Virginia to be communicated to them.

You were told yesterday that Companie who have made the late insult now in Virginia had own'd to some of the traders of Virginia who traded with the Tuskarores that they had murder'd Major Winn 8 years ago in Verginia and plunder'd some Indian traders upon Eno River[1] 4 years ago.

[1] The river Eno rises in the north part of Orange county, N. C., runs thence south some miles, then turns east, flows past Hillsboro', the county seat, and falls into the river Neuse at the angle formed by the counties of Orange, Wake and Granville.—Ed.

Aria, a Mohog that was Capt. of y^{t} company that was lately in Virginia at Christianna says their spys see some of their traders often, but it was resolved upon not to speak to them, nor to discover our selves for fear of mischieff. We did not see any person that could speak one word of our language; all the English we see and spoke to was a boy, at a small trading house upon Susquehannah River, where we drunck out all our Bear Skins we had, and know nothing of the murder of that gentleman nor of plundering the Indian Traders in Virginia.

His Excellency said:—Brethren, I am very glad to hear you are so just to your promise and are resolved to keep the peace you made 32 years ago with the Governm^{t} of Virginia, and that you are so ready to deliver up that prisoner which you lately took there. I require you to make all diligent search imaginable to find her.

The Indians desir'd of his Excell^{y} if the said prisoner should be found among the Christians, that she might be forth coming; which his Excell^{y} promised and would give orders to those Provinces under his governm^{t} to secure her, and would then send them word.

His Excell^{y} told y^{e} 5 Nations further, that he would communicate what they had now said, to the Governour of Virginia; but as to the sending of Agents hither or of the time, he could say nothing to it, he must wait an answer from the Governour of Virginia and would then send the Brethren word; and said further that if the Govern^{r} of Virginia should agree to send Agents hither, it's probable the Indians would not be willing to come by sea, and in such case care must be taken by the 5 Nations, viz^{t} the Mohogs, Oneydes, Onnondages Cayouges and Sinnekes that they may come safely by land without any molestation.

The Indians reply'd, if they came directly hither they would be in no danger, but if they should come nigh their castles, they could not engage for their security.

Wee must not forget to tell you y^{t} what that Prisoner said upon his return, that we were designd to destroy the Sapponnee Indians and the English of y^{t} neighbourhood, is utterly false; we never had any such thought, neither could we understand one word what he said, and beleeve he could not understand us. If any such falshood has been told them, its probably y^{t} souldier the deserter whom we carried with us who ran away again in Virginia has told him soe.

A true Copy examined by

R^{t} Livingston Sêcry
for the Indian Affaires.

Governor Hunter to Secretary Popple.

[New-York Entries, J., 492.]

To W^{m} Popple Esquire.

Sir,

The Assembly here drawing towards a conclusion I shall not trouble their Lordships until I can send them over the Acts, only tell them in Gen^{l} that all is well in both Provinces, and a perfect harmony reigning among all parties, which only meets with small shocks and

jarrs from the worthy plaintiffs on your side who continue to write the most notorious falsehoods relating to me and my intrest on your side, that the weak and fearful are staggered.

That poor troublesome old man whose mem^{l} it seem's is now referred to your board, has sent over of late some blank petitions which his few friends carry round the country for subscriptions, I have not yet seen any of them, but shall endeavour it. As to his memorial or whatever it is that is referred for I know not as yet what it is, I believe the whole Legislature here in their general instructions to their; if it be about the whale fishery their Lords^{ps} can best answer it, that very case having been referr'd to them, by them to the Attorney General and judgm^{t} suspended here until I had that, and a copy of that least you should not have kept one I have sent M^{r} Philips, I could not depart from it, this Government having been in possession of it, before I ever dreamt of Governments and being expressly reserved to the Crown in my Patents.

I shall not trouble you more now but assure you that I am in some concern to find, that after I had with much trouble made these provinces and myself easy here, I should meet with any uneasiness on y^{e} other side, but whatever my fate may be, I must forever own that I have found that Honourable Board even in very bad times my most just masters and worthy patrons, which will serve to clear my reputation where it has been injured, and make me easy in my mind as to that, In which your share has been such, that without changing my humane nature for that of a brute, I can never forget it, and am with a very sincere and warm heart

Sir

Your most sincere friend

and most humble Servant

New York
Nov: 22^{d} 1717.

Rob: Hunter

Governor Hunter to Secretary Popple.

[New-York Entries, J., 494.]

To W^{m} Popple Esq^{re}

Sir,

The Session of Assembly here continuing still, I shall not give their Lordships any trouble, till that is ended, when I shall transmit such Acts as are passed, only at present I send the quarterly Acc^{ts} of the export and import by which their Lordships will observe how vastly increased the Navigation & Trade of this place of late, which in a great measure is owing to the currency of bills of credit upon so good and solid fund as that of the excise, our bills being on the exchange of Boston 25 p^{r} Cent better than their own, I mention this because the bill for payment of the remainder of Public debts, pass'd the house of repres^{ves} and now depending before the Council, meets with some opposition or threatend opposition from men of private views, piques and interests, the true cause of which, whatsoever the pretended one be, is that this as the former did, incourages and enables the many to venture their stocks in trade to the prejudice of the few who had so long monopolized it. so far it may be necessary to prepare their Lordships against any evil impressions which may be endeavoured to be given them of that bill by these or any other men. If the bill does pass, for I as yet know not its fate, I shall be

able to convince their Lordships of the unreasonableness and justice of it, it being really no other than an Act extending the former to such persons and claimants as were by that bill precluded their just demands by absence, nonage, neglect or the prevailing humour in that Assembly, making provision for publick charges not before provided for (as particularly the Agency incidents of Government and other matters of that kind) and in effect for quieting the minds of all his Majesty's subjects on this side.

I have wrote so oft about prosecuting my claim in Parliament that I am ashamed to mention it any more least my friends should look upon it as an accusation of remissness, I promise myself your good offices in that matter to which I owe so much in all others of mine, and you may justly reckon me the least of men if I should sit down contented with bare acknowledgments for the many and great troubles which I have given you, for I am very sincerely and warmly

Sir

Your most obliged and
most humble Servant
Rob: Hunter

New York
Dec: 3d 1717.

Attorney-General Northey to the Lords of Trade.

[New-York Entries, J., 490.]

To the Right Honble the Lords Comrs for Trade and Plantations

May it please your Lordsps

In humble obedience to Your Lordships Commands, signify'd to me by Mr Popple, I have considered of the Copy of an Act passed at New York the 5th of July 1715, entituled an Act declaring that all persons of Foreign Birth heretofore inhabiting within this Colony and dying seized of any lands, Tenements and Hereditaments, shall be forever hereafter deemed taken and esteemed to have been naturalized. And for naturalizing all protestants of Foreign birth now inhabiting within this Colony.

Which Act recites letters Patents of King Charles the second, dated the 12th of March in the 19th Year of his Reign, whereby the soil and Government of that Colony was granted to the Duke of York in fee. And thereby it was granted, that the said Duke and his heirs might transport to New York not only any of the subjects of his then Majesty, but any other strangers who would become subjects to his said Majesty and live under his Allegiance. And recites also Articles made on the surrender of that Province to ye Crown of England by the Dutch, whereby amongst other things, it was stipulated that all people there should continue free Denizens and enjoy their lands and houses in that Colony and dispose of them as they pleased; And that any people might come from the Netherlands and Plant there, and that any of the then Military Officers and Soldiers belonging to the Dutch garrison that would plant there, should have fifty acres of land set out for them, and for that purpose several letters of denization had been granted by several Governors there, pursuant to the Government in the said Articles; and that for the further invitation and encouragement for people to settle there

Sir Edm^d^ Andros when Gov^r^ under the said late Duke of York 9^th^ Nov 1714[1] did proclaim and declare, that all former grants, privileges and concessions before that time granted, and all estates legally possessed by any under the said Duke, before the late Dutch Government were thereby confirmed

And for the further encouraging strangers to come hither, An Act of the General Assembly passed in the year 1683. for naturalizing all those of Foreign nations then inhabiting in that Colony and professing Christianity; and for encouragement of others to come and settle in the same, by which it was enacted that all persons of what foreign nation soever professing christianity, and that then were actual inhabitants within that Province (except bondsmen) and had taken and subscribed, or should take and subscribe the oath of allegiance were and should be thereby naturalized; and that all persons Foreigners of what nation soever professing christianity that at any time their after should come and arrive within that Province and should dwell, settle and inhabit there and take the oaths of allegiance to the King & fidelity to the Duke of York, might be naturalized by Act of Assembly. That several Aliens were come into that Province, were settled there and had bought lands, with consent of the Gov^r^ that many of the Dutch subjects relying on the Articles removed thither, and held their lands & got others, and great numbers of Protestants of foreign birth were settled there by intermarriages, wills, deeds of sale and other mesne conveyances several estates, which had been possessed by foreigners who settled there, have been and are become the lands of His Majesty's subjects of Great Britain and Ireland. Therefore to render His Majesty's subjects secure in y^e^ peaceable and quiet enjoyment of their several estates, this Act provides that all persons of foreign birth deceased, who had been inhabitants of that Colony at any time before the first day of May 1683 and had been seized of lands &c. should forever after be deemed, taken and esteemed to have been naturalized and all their conveyances by deeds or wills should be effectual: that all persons holding lands under any such persons of foreign birth should be deemed to be, and are thereby fully entituled to the same, and that every person of foreign birth then alive who did inhabit in that Colony before the first of Nov 1683, should be thereby naturalized, and their grants made good; and that all persons of foreign birth who had come and inhabited in that Colony at any time since 1689, and purchased lands & conveyed the same or dyed seized thereof, should be deemed to be naturalized; and that all persons of foreign birth at the making of the Act alive being Protestants and inhabit^ts^ of that Colony are naturalized, and every such person is required in nine months to take the oath of Allegiance & supremacy and subscribe the Test & the abjuration Oath, but dying within that time are Naturalized.

The copy of which said Act, has been a considerable time with me, and M^r^ Champante attended me several times concerning the same, and left with me a copy of his memorial presented to your Lordships, and all[so] a copy of the Articles made by the dutch on the surrender of the said Province, wherein are the clauses recited, in the said act, and altho those Articles as to the matters recited, could not be put in execution but by letters Patents of the King or by Acts of Assembly for the making Denizens or Naturalizing persons, yet in regard they were made and foreigners Acted and bought lands under them in that Colony, I am of opinion there will be great reason to establish possessions and rights under such enjoyment, and to enact them to be legal. However I cannot think that this act as framed to be fit to be confirmed; for that as to the persons inhabiting at or before the surrender of that Colony to the Crown of England, the Articles were perfectly executed by the recited Act made in 1683, whereby all

[1] 1674. See ante, III., 227. — Ed.

persons who had right to claim Naturalization by the Articles of surrender were naturalized: and the Assembly then thought it sufficient for the future to declare that foreigners might be Naturalized by Act of Assembly which declaration is no more than y^e^ law, and which shews the great negligence of persons that came after there and purchased lands, that they did not apply for naturalization by Act of Assembly, and the law always was and is, that lands purchased by an alien while an Alien, might be seized by y^e^ Crown, Aliens being capable of purchasing only for the Crown, and their practise seems to be directly contrary to the Act for the encouraging and encreasing of shipping and Navigation, whereby it is provided that no Alien or person, not born within the allegiance of the King or naturalized or made a free Denizen should after the Year 1661, exercise the Trade or occupation of a merchant or Factor in any of His Majesty's Plantations, upon pain of the forfeiture and loss of all his goods and chattles, or which should be in his possession, and all the Governours of those Plantations are thereby required before their entrance into their Government to take a solemn oath to do their utmost endeavour that the said clause should be punctually and bona fide observed, and it is hard to judge of the consequence of approving of this Act for the Naturalizing all Foreigners deceased who had inhabited in that Colony at any time before the first of Nov^r^ 1681, and likewise it seems not reasonable to naturalize in the lump all Foreign protestants within that Colony, for that in Naturalizations the particular circumstances of the persons naturalized should be considered.

However it being represented and recited in the Act, that the taking advantage of the want of Naturalizations will occasion great uncertainties in the titles of the present inhabitants of that Colony, it would be great goodness in his Majesty to depart with the advantage that may accrue to him for want of such naturalization, & to confirm the Titles of His Majesty's subjects, tho' claiming under persons not Naturalized as if they had been Naturalized, and to direct that purchases made by such Aliens as shall be thought fit to be naturalized, should be confirmed by letters patents under the Seal of that Colony: But I am of opinion the encouraging Foreigners to settle in the Plantations without Naturalization, will be directly contrary to the Act of Navigation

All which is most humbly submitted to Your
Lordships consideration

Jan^y^ 2^d^ 17$\frac{17}{18}$. Edw^d^ Northey

Governor Hunter to the Lords of Trade.

[New-York Entries, K., 1.]

To the R^t^ Hon^ble^ the Lords Com^rs^ for Trade and Plantations.

My Lord

I am now to acknowledge the honor of your Lordships letters of the 26 of May last, relating to illegal trade with the French Plantations, and of those of the 4 Sept^r^.

As to the first I have issued a Proclamation strictly forbiding all such Trade, what effect it may have in detering men from it I cannot tell, no vessels ever did clear for those Parts, neither would it have been suffered; and their return tho it be apparent that they have been

in these Parts yet as your Lordships have hinted, there being no Act of Parliament forbidding that Trade, or inflicting penalties for such, all I can do is to vex them, which has already provoked the Spleen of some of the trading Sort, in the mean time whatever is in my power to discourage it shall be executed

I am in the next place to give your Lordships my most humble and most hearty thanks for y^e^ honor of the other with M^r^ Secretary Addison's signification of His Majesty's most gracious pleasure, and condescention in favour of me his unworthy but most zealous and most faithful Servant; As this will undoubtedly suppress all the seditious attempts of that now contemptible party I cannot forbear congratulating your Lordships upon it seeing by means of that you'l be eased of much trouble and his Majesty's service in these parts go forward as you would have it.

At the same time (and all by the last post from Boston) I received one from your Secretary by your Lordships Command, with copies of M^r^ Mulfords complaints which I think have been effectually answer'd by the Council and Assembly here some time before I received them and that answer transmitted to y^e^ Agent in order to be laid before your Lordships in which you'l observe that he is in effect declared what he really is, and in all Governments has been, an enemy to the Publick. This was occasioned by the paper printed at London called a memorial of aggrievances and dispersed here I did not indeed think him worth that notice he being really a Crazed man, but since he has given your Lordships the trouble of his complaints I shall now again (for I have done it often before) state that case of y^e^ Whale fishing that you may have it in one view.

It was the Custon in this Province long before I had the honor to preside in it, as will appear by y^e^ inclosed licenses, for all the Whale fishers to take out licences from y^e^ Governor for such fishing they agreeing and promising as fees or acknowledgment to pay the 20^th^ part of the produc after all expences is deducted.

Soon after my arrival here many such fishers (I know not but M^r^ Mulford might have been in one or other of these companies) came voluntarily to me for such licences.

M^r^ Mulford at last thought fit singly to dispute that right.

The matter was put upon an issue at law pending the Suit I submitted it to your Lordships sent you the pleadings and begged the Attorney Generals advice or oppinion which was transmitted to me and a copy here inclosed marked (B) in which as your Lordships will observe, after having remarked some errors in the pleadings on both sides, he concluded that Judgment ought to be given for the Crown, long after the receipt of M^r^ Attorneys opinion and a rule for correcting y^e^ pleadings on both sides Judgment was accordingly given for the Crown no appeal lodged or offered.

I agree with the Gentlemen brought by M^r^ Mulford before your Lords^ps^ that there was not at any time, neither is their now any Tax or duty upon Whale Oyl or Whale bone in these Provinces, if they mean that there never was any acknowledgement paid for licences it is false, for the enclosed licenses were issued during the residence of M^r^ Cox and M^r^ Godfrey in these Provinces of which M^r^ Cox then a Councillor cannot pretend ignorance.

As to the proposal made by some Merchants all strangers to me and known but by a few on this side, I must observe that if y^e^ Whale fishing be decay'd it is not for want of numbers of fishers for it is evident they encrease yearly, but as the skilful fishers declare it is owing to the frequent wounding of Whales, which not being catched frieght away the rest neither is it so much decayed as is pretended but the truth of the matter is that the Town of Boston is the Port of Trade of the people inhabiting that end of Long Island of late years, so that the exportation from hence of that commodity must in the Books be less than formerly but I must

further observe that tho the perquisite arising by these licences is in itself so inconsiderable that it is worth no Governors time to dispute it yet should it at this time be given up it would only open a Gap, and give incouragement to M^r^ Mulford and such as he has misled to dispute every individual point right of the Crown, or perquisite of the Government whatsoever and the time has been and may come again when if the Governour and the Officers have no fees he and the officers may be left to starve and beg for bread and perhaps beg in vain if they have not wherewithall to subsist themselves

For instance one other part of M^r^ Mulfords complaints the Quit Rents upon my arrival here the receiver General complained that there was a total Cessation of payment of Quit Rents, and begged for a remedy he hoped for none in the common course of Law, the Delinquents not only trusting to but bragging of the impossibility of finding Jurries in the Country that would give a verdict for the Crown if left to a Jury upon which the Delinquents were subpœna'd to y^e^ Court of Chancery which immediately had its effect, for the arrears of Quit Rents were immediately brought in and have ever since been regularly paid in to the Kings Receiver

As to M^r^ Mulfords being cited whilst he was not a trustee for that Township, truly it may be so, for it is impossible for an Attorney General to know precisely the names of y^e^ Trustees of a Township who are shifted and changed so frequently, and at that distance, but if he was not then he had immediately before been one of the Trustees and has at all times mismanaged and misled that poor people, who have little harm in them if he keeps away from them and I have reason to beleive that by the very next conveyance I shall send your Lords^ps^ their formal renunciation of him and all his works but if M^r^ Mulford had delayed or refused to pay his Quit Rents as he actually did what exempted him from prosecution

Had I followed M^r^ Mompesson's advice in the Cessavit per Bienium and by virtue of that vacated their Grants they would have had more reason to complain.

Altho as I humbly presume the agent has laid before your Lorships a copy of the General Assembly's address to me, relating to that man and his conduct yet I herewith send it again marked (C) together with the minute of Council by which the Council approve and join with them in said Address.

M^r^ Mulford was prosecuted for printing or causeing to be printed publishing and dispersing a false scandalous and malicious libel unjustly reflecting on the Gov^r^ and Government of this Province (as that Assembly which expelled him termed it) with an intent to raise Sedition amongst the people and in their minds an aversion to both, and as much as in him lay (as by that peice of elloquence its self appears which I have formerly sent to your Lordships) to obstruct the settlement of a Revenue or any support of Government to which he has been in all times an open avow'd enemy So it is false what he affirms that he was prosecuted for making a speech in y^e^ house he has fled however from that prosecution and left his security in the lurch

Inclosed marked (D) your Lordships have also a list of all the Acts passed in this last Session of Assembly here which had a period very lately as soon as they can be engrosed I shall transmit them with the necessary observations.

The Act for paying the remainder of all the publick debts occasioned the length of this Session at this time, I shall say no more of that Act than that it is just in it, paying the absents minors and executors what was justly due to them, but neglecting in the former Act for that purpose and (which I am sure is a good Argument for it with your Lordships) paying

those (as their heirs) who took up arms in favour of the happy Revolution, and continued in the service in the several Forts, for that very cause a considerable time at their own cost without any acknowledgement or satisfaction till now and besides this I have had the luck to get allowance made in it for many publick and necessary Services which without this Act could not easily have been compassed the cry which a few made against striking more Bills has no ground or foundation for their being real funds given for the sinking such Bills they can have no less credit than the former which are at this present time 25 p Cent better than those of all our Neighbouring Provinces and in some 50 p Cent even in their own trading Towns, and I do affirm and beleive your Lordships may have observed that since the circulation of those Bills the Trade of the place has increased at least above ½ of what it was the truth of the matter is, this circulation enables the many to trade to some small loss to the few who had monopolized it and that is the true cause of the cry if ever it should reach your Lordships ears I am with the deepest gratitude and honour

My Lord
Your Lordships
most humble and
most obedient Servt
Ro: Hunter

My Lords

Since writing of what is above the Gentleman who acts as Attorney General here to whom I communicated Mr Mulfords papers has brought me his remarks on the same which I take the liberty herewith to enclose to your Lordsps in the paper marked (F).

Lords of Trade to Governor Hunter.

[New-York Entries, J., 590.]

To Brigr Hunter

Sir

We are to acknowledge & answer your letters to us of the 30th of April, 6th of June, 2d of Octr and 12th of Novr 1716, 13th of Febry and one without date, and we have seen those to our Secry of the 3d and 13th of May, 22d of Novr and 3d of Decr 1717.

We are satisfy'd as to what you write relating to Mr Lodwicks Memorial, and doubt not but you will so behave Yourself, that your enemies will have no better reasons to complain of you than is therein contained.

We take notice that you say, no Forts have been built, but such as you have erected by Her late Majesty's order, and that the bills which you drew, upon that Account, & by virtue of that order, have not been paid. We find indeed upon examination, that the bills are yet standing out, and that the reason for it is, that the orders for drawing of them have not been communicated to, and entred in the Treasury. You will do well therefore to send us authentick copies of the said orders, and the most particular Account you can of what has been done, and expended pursuant thereunto; And also whether any Forts have been built near the great carrying place, or at the entry of the Lakes, as proposed by your letter of the 2d Octr 1716.

We observe what you writ concerning the non observance in some of the Neighbouring Colonies, of the proclamation and Act of Parliament for settling the rates of Foreign Coin in the Plantations, and wish you had sent us some particular instances thereof, for the observance of the said Act & Proclamations is of such consequence to the general welfare of the whole, that it must not be neglected; And therefore we desire you to inform us which of the neighbour^{s} Governments are faulty in this respect and particularly what methods they take to evade the said Proclamation & Act.

We have considered the Revenue Act and have some objections to it particularly that it affects the shipping and Navigation of this Kingdom as you will see by the inclosed paper of observations, however we would not lay it before His Majesty to be repealed, because you say the repealing it would ruin the Trade of the Province; You must therefore move the Assembly to pass a new Act not liable to the said objections, otherwise we shall be obliged to lay this Act before His Majesty for his disallowance, for no Acts are to be passed in y^{e} Plantations whereby the shipping and Navigation of this Kingdom are affected, as you will see more particularly by His Majesty's additional Instruction to you of 27th Sept^{r} last

We have the like objections which are also here inclosed, to the Act to oblige all Vessels Trading to this Colony (except such as are therein excepted) to pay a certain duty &c passed in Sept^{r} 1716 and for the same reasons, we must desire you to get a New Act passed, not liable thereto.

We send you here inclosed M^{r} Attorny Generals objections to the Act for shortning of law suits &c^{a} whereby you will see the necessity of getting another Act passed for that purpose.

The Act for preventing the multiplicity of Law suits lies now before His Majesty with our opinion, for his confirmation, which we hope may be transmitted to you by the next conveyance.

Upon this occasion we must remind you of your instructions, and that you be very particular in your remarks, observations & explanations of the Acts you transmit to us.

We shall at a proper opportunity take into consideration what you write of the ill success in making of Tar from the trees that had been prepared. In the mean time we desire you to give us an Account of what number of the Palatines which you carried over, remain in the Province, how & where they are settled; how they are employ'd and in what manner they might be made more useful to that Province and to this Kingdom than perhaps they are at present.

You will be sure to receive all y^{e} assistance we can give you upon account of the disbursements for those people; but it has not been possible to do any thing in that matter this session of Parliament.

You intimate in your letter to our Sec^{ry} of 22^{d} Nov^{r} last, that the Whale fishery is reserved to the Crown by your Patents: as we can find no such thing in your Commission, we desire you will explain what you mean by it. In the mean time we have received another petition from Mulford praying dispatch in our report upon the papers Our Secretary sent you the 19th of Sept^{r} last, we must desire therefore from you a full answer to those papers; and particularly, as to the right of the crown, and that you would inform us what quantities of whales are caught in the Government communibus Annis: In what condition that fishery is and has been for some years past especially since your being in the Government whether any persons have paid and continue to pay the dues you demanded, and which Mulford complains of what those dues may amount to one year with another and how the profit arising by them is apply'd.

Upon this occasion we must observe to you, that we hope you give all due incouragement to that Trade.

Mr Philips has laid before us the address from the General Assembly of New York to you about Mulford and at the same time acquainted Us, that he had reason to believe Your answer to Mulfords complaints were lost in the ship Mercury, a copy of this address we went to Mr Secry Addison and acquainted him with what Mr Philips had informed us, as a reason why we had not as yet made a report upon Mulfords petition.

We laid before His Majesty what you write in relation to the Pirates seized in Your Government and Commissions are passing to enable you to try 'em at New York for the Act of Parliament for trying of Pirates in the Plantations tho' expired is continued by another Act passed in 1714 and is still in force.

You will see by what we writ you in our letter of the 15th of March $17\frac{15}{16}$ that we cannot propose Mr Harrison to be a supernumerary Councillor because we would not offer to make a precedent contrary to the standing order in Council mentioned in the said letter, but upon the first Vacancy we shall recommend him to his Majesty according to your desire.

And as we have accounts from the Custom house here of what goods are sent from hence to the Maderas & Western Islands, so it is necessary we should be informed of what returns are made from these Islands. But as the main of the exports from those Islands are to the Plantations in America; we can get here no particular Account of them. And tho' the Naval Officers do sometimes give accounts of the entries of ships inwards, yet it is in such a confused manner (sometimes expressing the quantities of goods in some ships and oftner omitting it, that it is scarce possible to make a true state of that Trade. We desire you therefore to give immediate directions to the proper Officer to make out an account of the imports from the Maderas and Western Islands for three years last past, and to send us the same by the first opportunity, and for the future we desire you to take care to send us annual Accounts of the said imports.

We are further to desire of you a particular Account of all grants of Lands made by you since your Governmt whether they be Temporary or Perpetual specifying the number of Acres granted, what Quit rent is reserved upon them with the name of the Grantees & the reasons inducing you to make such grants.

We send you here inclosed the copy of a memorial lately laid before us, concerning the progress the French have made in finding out & securing a passage from St Lawrence or Canada River to their new settlement called Louisiana and down the River Missippi in the Bay of Mexico: whereupon we must desire you to inform yourself as particularly as you can of the facts therein mentioned and to acquaint us thereof as soon as possible and give us your sentiments what methods may most properly be taken for preventing the inconveniencies to which his Majesty's Plantations on the Continent of America and the Trade of this Kingdom may be subject by such a communication between the French settlements. We are

Sir

Your very loving friends
and humble Servants
HOLDERNESS
JNO: CHETWYND
CHA: COOKE
PAU: DOEMINIQUE
[T. PELHAM][1]
DAN: PULTENY

Whitehall
Febry 25th $17\frac{17}{18}$.

[1] This name is signed to the original despatch in *New-York Colonial Manuscripts* in Secretary's office, LXI. — ED.

Lords of Trade to Governor Hunter.

[New-York Entries, K., 20.]

To Brig^r Hunter

Sir,

We have received your Letter of the 27 Jan^ry last and have laid so much of it as relates to Mulfords complaints with the Papers therein refer'd to before the Lords of the Committee for hearing appeals pursuant to their order of 20^th March last, a copy whereof is here enclosed Our Sec^ry will acquaint you more particularly with the state of that matter In the mean time having taken the opinion of His Majesty's Solicitor General upon the copies of the Licences for the Whale Fishery transmitted to us in your abovementioned letter, We send you a copy of his report for your information

We have also had the opinion of S^r Edw^d Northy late Attorney General upon the Act passed in 1710 Entituled an Act for the better Settlement and assuring of lands in this Colony A copy whereof is here inclosed You will see that altho he has some objections to the law itself Yet he thinks the repealing it may be attended with some ill consequences And therefore we do not think it proper at present to lay it before His Majesty for his disallowance But if the Assembly will pass a New Act for repealling this whereby the persons who have purchased under the security of this Act of 1710 may be safe and the New law not liable to any other objections We think you may give your assent to such law provided there be a clause in it declaring that it shall not be in force till his Majesty's pleasure is known

We take notice of what you write concerning the Act for paying the remainder of all publick debts and we wish you had been more particular in your observations upon it which would have been of use to us there being a Caveat lodged in our office in the name of some Merchants here and others residing at New York against confirming that law. When the Act comes we shall consider it, together with the objections that will be then made against it So we bid you heartily farewell and are

Your very loving friends
and humble Servants
HOLDERNESS
J. CHETWYND
P. DOEMINIQUE
T. PELHAM
D. PULTENEY
M. BLADEN

Whitehall
April 23. 1715.

Governor Hunter to the Lords of Trade.

[New-York Entries, K., 26.]

To the R^t Hon^ble the Lords Commiss^rs for Trade and Plantations.

My Lords,

With this your Lordships will receive the minutes of Council and Acts of Assembly according to the enclosed lists of which one only wants observations that is the Act for

payment of the remainder of the publick debts of this Province those who on your side clamoured against the last gave for their reasons amongst the rest that many were left out who had just claims now that all such are paid I can without the help of the 2d Sight foretel that the same persons will say that now many are paid who ought not to have been so; for in the first place I must inform your Lordsps that a great part of the sum given by that Act is for the payment of what is due to such persons (or their heirs) as appeared and continued for a considerable time under Arms in favour of the happy revolution here and at Albany for which service til now they never could receive any consideration tho it was apparent that they Zealously underwent that service to their great loss and danger. As also by this Act all such are paid as had at that time any good Arms or Ammunition or Provisions taken from them for the uses of the several Garrisons there are also given certain sums for publick uses, which were absolutely and immediately requisite such as repairing the Custom house the Secretary's Office Agents Salary ruñing the division lines betwixt this and the adjacent Provinces, an allowance for the past extraordinary and incidental expences of Governmt for which nothing had been given in any former Act (they must be wrought upon by degrees he that thinks he can do every thing at once knows little of popular Assemblys) and many more which your Lordships will observe in the perusal of the Act its self; the Excise is by that continued five years longer as a fund for sinking the Bills of Credit struck on this occasion, or rather as a farther security for their being sunk for it is apparent that the excise its self in the term for which it is given in the former Acts, with the other funds given in this will go near to sink these Bills without the help of that five years continuation

I have formerly troubled Your Lordships about a Commission for tryal of Pirates that of King William expiring with the Act upon which it was founded these Pirates are still in Prison here and since the promulgation of His Majesty's gracious pardon there are but four of that band come into this Province and as far as we have learned very few to any other. I am with the deepest regard and all imaginable honor My Lords

Your Lordships

most humble and

most obedient Servant

Ro: Hunter

New York
May 3. 1718.

Governor Hunter to Secretary Popple.

[New-York Entries, K. 29.]

To Wm Popple Esq:

Sir,

Were it not that a ship which sailed with this last arrived is not yet come in I should begin to suspect that I am more indifferent to you than I have hitherto been but I hope that will bring me the comfort of one from you which I want much.

It is amazing that after all I have sent to the Lords of trade to the Agents and others relating to that poor cracked man Mulford I should be still laid under a necessity of sending

answers to such odd groundless complaints But my Enemies not being able to fix any thing upon me have fallen upon that way of wearying me out with repeated complaints. For who would for any thing this world can give be ty'd down to the perpetual drudgery of answering such stuff.

That unhappy difference at Court sits heavier upon me than my private concerns can ever do I pray God put an end to't tho' I cannot yet pray he may forgive those who have occasion'd it however I'm perswaded my presence would have been of little moment in my private concerns at that Juncture I intended however to take my chance as soon as with conveniency I can but must wait for a ship of war the Pirates being busy on our Coasts, and I am affraid his Majesty's gracious pardon will have but small effect on these wretches

I shall for some time together have frequent opportunitys of Writing to you and shall now conclude with assuring you that whatever my fate may be I am in the strictest bonds of friendship

Sir

Your most obedient and

New York most faithful Servant

June 3d 1718. Ro. Hunter

Governor Hunter to the Lords of Trade.

[New-York Entries, K., 81.]

To the Rt Honble the Lords Commrs for Trade and Plantations.

My Lords

By a ship arrived here about 10 or 12 days ago, I had a letter from Mr Philips informing me that I had by that conveyance the honour of your Lordships commands as to several matters but not receiving any such I conclude that your Lordships dispaches must be on board the Hopkins who sailed with this ship but is not yet arrived but I was more surprized by an order from the Lords Commissrs of appeals to cease all proceedings against Mr Mulford or his security until his Majesty's pleasure should be known in relation to the complaints he has preferr'd against me For by your Lordsps commands I transmitted to your Lordships my answers to the said Groundless complaints by several ways, and have now again to Mr Phillips as much as remains in my power (having sent many original papers by the former conveyances) in order to their being laid before your Lordships or any other Board which Mr Mulford or his friends shall think fit to disturb with that matter It seems my answer is still wanted before the Lords of Appeals I never heard that the matter was carried thither But if what I have formerly sent to your Lordships and what I have now again sent to Mr Philips be not a sufficient answer to what that craz'd man has represented I know not what can be esteemed so unless the Testimony of every individual person in this Province (which I can procure a very few excepted) under their hands affirming every individual article in these papers of complaints which any way relate to me or my conduct to be false or falsly stated be expected from me. If by any strange accident none of my former letters relating to that matter be come to your Lordships hands Mr Philips will now lay before you what I have transmitted to him. But if you have received the former these are superfluous.

The Assembly here is met but seems desirous to be adjourned till the fall for reasons which I have hinted to Mr Philips I have however desired them to continue their sitting some time in hopes of having your Lordships commands by Hopkins in a few days.

The Duplicates of the Acts of Assembly Minutes of Council and other publick papers not being as yet finished (the ship which carried them having departed from hence but lately) I shall by the first conveyance after they are finished transmitt them with the necessary observations to your Lordships.

With this your Lordships will receive the quarterly accounts of the Exports and Import of this Province, which is all the trouble I shall presume to give your Lordships at this time but to assure you that I am with the deepest sence of Gratitude and all due Honour, My Lords

Your Lordships

most humble and

New York most faithful Servant

June 3. 1718. Ro: HUNTER

Colonel Schuyler to Governor Hunter.

[New-York Papers, Cc., No. 14.]

Sir,

I am favored with your Excellencys Lrê of the 14 January last the Commissioners of Indian Affairs have exactly complyed with your last orders relating to the Indians who are very quiett & well satisfied as far as we yet hear but the deep snow hinders our Intelligence

I am extreemly well pleasd to hear your Excellency had passed the Debt Bill, which you observe you should not have assented to had you not thought it for the good of the Colony and I am humbly of opinion that no impartial man can dissent from your Excellency's judgment in that matter

I was extreemly surprised to hear of Col Lodowicks appearing with Mulford in any attempt against your Excellency but much more when I heard he made so unwarranted and so unjust a use of my name to charge your Excellency with ill usage of me and to found the Indians discontent & the Carolina war on so base a falsehood.

I can't but remember that your Excellency informed me long since of Coll Lodowicks memorial & I then offered to your Excellency to give it under my hand that it was a false accusation; but could not possibly think that Coll Lodowick would have continued in the affirmation of such forged practices

As to the reason of the Carolina war I leave that to the consideration of their own Government, but that it was not more easily or sooner ended I must impute to their not knowing the nature of our Indians or their dispising them the five Nations offering in a late proposition to yr Excly (Captn Smith the Agent from Virginia being present) to interpose & become Arbitrators between them and the Indian Enimy & to meet their Agents here (the settled place of their meetings) at such times as they should please to appoint, but this Government know by chargeable Experience that they are not to be applyed to without presents being their own way of making propositions, & it is more than twenty five years past since the Government

of Virginia thought it worth their while, to be at such expence, whilst this Government being the fronteers of all His Mat^{ys} settlements on the main, bears the whole burthen & expence of the Indians; And how despicable soever the five nations of Indians may appear in the eyes of those other Governm^{ts} I can't but be of opinion that they are highly serviceable to His Mat^{ys} Interests & in a great measure the balance of North America; and whilst I have any interest amongst them I shall always improve it for His Mat^{ys} service and the Security of his Government

I can't now do less both in Honor to your Excellency & in justice to myself but affirm that I am highly obliged to your Excellency for the extraordinary respect & friendship from time to time shewed me & am so far from haveing received ill usage from your Excll^{cy} at any time, that my Interest & Actions bear the stamp & impressions of your favour in all occurrences the continuance of which is the sincere desires of Sir Y^{r} Excell^{cys}

Albany — most dutiful & obedient Serv^{t}

Feb. 5. $171\frac{7}{8}$ — P. Schuijler

Governor Hunter to the Lords of Trade.

[New-York Entries, K., 38.]

To the R^{t} Hon^{ble} the Lords Com^{rs} for Trade and Plantations.

My Lords

By Cap: Hopkins who arrived here on Tuesday last the first Instant, I have the honour of your Lordships letter of 4th Oct^{r} 1717. of Feb^{ry} $17\frac{17}{18}$ and 25 Feb^{ry} $17\frac{17}{18}$ and this Vessell the Philipsburgh Capt Garret Commander being just upon her departure it is not possible for me to transmit on the sudden such full and satisfactory accounts of what your Lordships require as I hope I shall be able to do by the next departing Vessell

In answer to the first relating to the Accounts of the Revenues your Lords^{ps} well know that there was no such thing as a Revenue in this province till this last Act establishing one was passed & since that I have sent to your Lordships such accounts as the Treasurer gave me as I did also to the Lords of the Treasury But there being no allowance made here for the Auditing of accounts, there happen'd disputes between the Treasurer and Deputy Auditor which obstructed the regular Audit and since the death of M^{r} Blathwayt[1] 'till the arrival of this last ship We have had no Auditor at all, I shall now endeavour to send your Lordships by the next conveyance such perfect and regular accounts as you require as also of the numbers of Acres granted but the reservation is always according to the standing instructions of half a Crown p^{r} hundred Acres

I shall give very particular instructions to the Naval Officer and others concerned that your Lordships may have for the future more distinct accounts of the export and import and that they make out forthwith exact accounts of the importation from Madera and the Western Islands

[1] Mr. Blathwayt died on 26th August, 1717. He held the office of Auditor General of the King's Revenues in America thirty-one years, and was succeeded by Horatio Walpole, Esq.—Ed.

for three years past Mr Beresford's representation is very just and no more than what I formerly did lay before the Secry of State at the time we had notice of Mr Crozat's Patent[1] and after the accounts of the new grant and I think I also gave your Board the trouble of my thoughts on that affair I am sure I did to Mr Secry Addison The French have Forts and settlements in many places on the river Mississipi and on the Lakes and claim all the Country and Trade of it as theirs if these settlements continue & prosper the very being of the British Plantations on the Continent will become precarious for by means of these settlements they acquire to themselves the dependances of Numerous Indian Nations and tho the French may be at peace with us in appearance these Indians by ye instigation of their Traders may be prevailed upon to make incursions on the Frontiers of the English Settlements which being all uncovered will be an easy pray and after an attempt of that kind no planter will venture to sit down without the reach of assistance or defence, & so by degrees these Colonies may come to be unpeopled, I know not upon what right the French found their claim neither can I think of any effectual remedy for the evil mentioned but their relinquishing it the next best would be extending our Frontiers, and augmenting our force and Garrisons of which I have heretofore wrote very amply to your Lordships

I humbly beg leave to answer in course to the Postcript of this of your Lordships of 3d of Febry relating to Col: Ingoldsby's authority when I was appointed Govr of these Provinces by her late Majesty Mr Smith Chancellor of the Exchequer told me that Col: Indoldsby had assumed the Governmt for that he was suspended several years before that in Mr Secry Hedges's time and accordingly new Letters of suspension were then sent over to the Councils in each Province but it seems the first suspension was never executed here, nor seen by any that I could ever learn, I wrote amply to your Lordships and by your commands with observations on all these Acts passed by him, and to that I refer but most of them being expired by their limitation or repealed they are now of no consequence, of that number was the Act fixing the Session of Assembly to the Town of Burlington which unjust in itself was dangerous in its consequences creating annimosities between the two Divisions and not safe for the Governmt which met there with daily insults and affronts from Mr Cox and his adherents I shall mention but one other Act and that was the Act explaining an Act passed by the Lord Lovelace granting to him a certain sum for the support of Governmt which explanation was the taking off that from the Lord Lovelace & his heirs and granting it to Col: Ingoldsby in the same letter I gave your Lordships a long account of these original Acts of the Lord Lovelace being destroyed or concealed that we could never come to any knowledge of them after the strictest search and enquiry by which means her Majesty's goodness to that Nobleman and his heirs in approving of the first Act, and disapproving of the last was obstructed I had her Majesties letters in favour of that Lords Heirs commanding the doing Justice to them in that point.

In answer to your Lordships letters of the 25 Febry I herewith send you the attested copy of my order from her late Majesty for building a Fort in compliance with that Col: Nicholson & I entered into a contract for building a Fort in the Mohacks Country for half the sum

[1] Antoine Crozat, Marquis du Chatel, was one of the great financiers in the reign of Louis XIV. He obtained, in September, 1712, the privilege of the exclusive trade of Louisiana, which country is described as being bounded by New Mexico and Carolina, and including the river Mississippi, from the sea to the Illinois, the Missouri and Wabash rivers, and all the tributaries of that part of the Mississippi. This charter was surrendered in August, 1717, when the New grant, as it is called above, was made to the famous India, or Mississippi, Company. Mr. Crozat died on the 7th of June, 1738. *Historical Collections of Louisiana*, III., 38. — Ed.

mentioned in the instruction reserving the other half for one to be built at Onondage when these Indians should agree to have one built We jointly drew Bills for that sum Viz^{t} £500. The Fort was built there has been a Garrison & Missionary there ever since it was built, and I have constantly repaired and kept it in good condition M^{r} Nicholson has a copy of the contract[1]

As to the Currency of mony it has ever been at 8^{s} p^{r} ounce in this Province New Hampshire Massachusetts Bay Connecticut and Rhode Island & much higher in Carolina. I published on my arrival the Proclamation for the Currency but the ordinary depending on the general consent & agreement of the people that and all other endeavours have proved of little effect to put a stop to the practice it was in vain for me to attempt doing any thing [in] that matter with Assemblies whilst they were of an humour to do nothing at all for the Governm^{t} but now that they are of a quite different disposition I flatter myself that at our next meeting I may be able to apply a proper remedy to that, as well as y^{e} other failures noted by your Lordships, the harvest being began I could not keep them together more than two days after the arrival of your Lordships letters I communiceted to them his Majesty's Commands relating to passing of Acts which may effect the Trade or Shiping of G: Britain and had I had any such instructions before the passing of these Acts they had not had a being (whatsoever the consequence to me might be) but in the former Acts for revenue there being the like duty's particularly on all dry goods from Europe & in other Provinces Tunnage or Powder mony as 'tis called and that Tunnage being so low and the people at a loss to find out funds for the support of Government a Land tax being by the means of the expences of unhappy expeditions impracticable and burthensome I could not foresee any harm in passing such Acts, however I must in the mean time most earnestly intreat your Lords^{ps} to suspend the disapprobation of these Acts, until I have another Session of Assembly which I believe will be in the fall & if I may judge by the present disposition of the Assembly I promise myself success in every thing which your Lordships have so much at heart as far as it is in their power.

As to the [Act] for shortning law Suits I can see no harm in having it disallowed for we find by experience that M^{r} Attorney Generals observations are just

As to the observations on the Act for a supply to be granted to his Majesty &^{c}.

In the first place there never was any Wine imported here from Great Britain nor in probability ever will be neither is there any duty intended on such by the Act for they could not have in their View what never was in being but that shall be explained by a declaratory Act.

There is no duty laid on or intended for any goods directly imported from Great Britain

I never heard of any Negroes imported directly from Africa in Vessells belonging to Great Britain, and the duties laid on Negroes from y^{e} other Colonies are intended to encourage their own shipping and discourage the importing their refuse & sickly Negroes here from other Colonies which they commonly do.

The greater part of the Palatines remain upon the lands which I with my own mony purchased for them on Hudson's River adjacent to the Pine Woods & earn a tolerable living some of the industrious are grown rich but a certain number of them I think about fifty families removed on their own accord and against repeated orders and Planted themselves on lands which had been granted by Patent to several inhabitants of this Province in compassion to their poor Women & Children (for y^{e} men were the very same who had formerly made an insurrection and insulted me in Arms which obliged me to March with a force and disarm

[1] See ante, p. 279. — Ed.

them but upon their submission I pardon'd them) I say in compassion to them I perswaded the Proprietors to offer them terms of long leases paying nothing for several years & a very trifle ever after which they accordingly did, & the greatest part accepted of the conditions but one Wyser the constant ringleader of all mischief amongst them who is now gone for England, I know not for what purpose formed a party amongst them who would come to no terms and so there they continue without right til the Proprietors can find their remedy by law I cannot send the exact numbers by this conveyannce I shall endeavour to procure it tho they are much scattered, if his Majesty would be pleased to approve of what I have humbly proposed with relation to extending our Frontiers I think that people may be usefully employ'd there but there must be in the first place a Fort or two as well to cover them as to keep them in order which I know to be a hard task by dear bought experience & this will require an augmentation of our Forces

I have had the honour to inform your Lordships that the acknowledgment for licences for Whale Fishing was a perquisite of the Government in my predecessors times, the same Mulford went to England in Lord Cornbury's time about that matter nobody besides disputed it and he was cast here by the law, to which he had appealed what I wrote of its being reserv'd in my Patents is from these words in y^e^ Commission of Vice Admiralty where giving a power "Cognoscendi de Flotsom Jetsom, Lagon, Deodandis &^c^ follows et de Piscibus Regalibus "Sturgeonibus Balenis Cœtis Porpetiis Delphinis Reggis &^c^" as by the Record of the Commission will more fully appear, the thing itself is so inconsiderable that nothing but the danger of being accused of having given up the right of the Crown and an emolument which the Government was possessed of could have obliged me to write one single letter about it for I affirm to your Lordships that it has not in my time amounted to £20 Sterling p^r^ annum, that fish having in a manner left this Coast, I shall not trouble your Lord^ps^ farther here about that affair seeing you are to have much from M^r^ Philips to whom I have transmitted full answers (or rather the Council & Assembly for me) to all the several papers given in to your Lordships and the Lords of Council by that man I only must observe that the Lords of appeal expect answers in the month of May to papers which I did not receive til the month of June and begining of July all others have constantly paid and continue to pay that acknowledgement Viz^t^ the 20^th^ part of the produce

I shall at this time humbly take my leave with this reflection, that if such men as M^r^ Cox and M^r^ Mulford who were common disturbers of the publick peace, and avowed obstructors of all settlements or support of Government (the former being dismissed her Majesty's Council for that very reason after a full hearing on his behalf) when they come to be called to account for crimes against the Governm^t^ in an ordinary course of law shall find their account by flying from such prosecutions and complaining at home whoever Governs in these parts must either hold the reins of Government very slack, and resolve to bear with daily repeated insults or with y^e^ intolerable drudgery of answering false & malicious accusations or frivolous complaints which to an honest mind is hard to bear, I am sure mine is not equal to it, & if the joint testimony of the Council & Assembly or if it be expected of these whole Provinces be not sufficient to justify my conduct against the aspersions & calumnies of such men I must submit to my fate I have in every step that I have taken had a particular view to his Majesty's service and in that have had the desired success that with the testimony of a good conscience

is the greatest acquisition I have made in the employment I have had the honour to bear I am with the deepest and most lasting sence of gratitude

My Lords & worthy Patrons
Your Lordships
most humble and
most obedient Servant
Ro: Hunter

New York
July 7, 1718.

One thing I have omitted your Lordships desire to know upon what inducement Patents are granted I know no other but that of peopling & planting the Country the method is this the person petions the Governor in Council for a license to purchase a tract of land of such a quantity and so situated, of the Native Indians the consideration of the petition is referr'd to a Committee of the Council who having reported after enquiry into the merits of the cause that such lycence may be granted, it is granted accordingly after having made his purchase from them he prays again for an order of survey for that tract in order to his obtaining his Majesty's letters Patents, for the same and upon the return of the survey and the certificate of the Secretary, Receiver and Surveyor General as particularly directed by the instructions he gets an order to the Attorney General to make out such Patents under the Reservations and Quit Rents appointed by his Majesty's instructions

Your Lordships
most humble and
obedient Servant
Ro: Hunter.

Governor Hunter to the Lords of Trade.

[New-York Entries, K., 51.]

To the R^t Hon^ble the Lords Comm^rs for Trade and Plantations.

My Lords,

By Hopkins I received the New Seals, and with this your Lordships will receive the old one of this Province broke In Council according to His Majesty's Commands to Morrow I go to the Jersey's & when that of that Province is broke in Council there I shall transmit it also, but this ship is upon her departure

I have also received His Majesty's letters nominating John Parker, Peter Tretwell and John Wells of the Council for that Province; I beg the same favour for John Johnston jun^r in order to keep the equality M^r Tretwell and M^r Wells being of the Western Division. I am with all imaginable honor

My Lords
Your Lordships
most obedient &
most humble Serv^t
Ro: Hunter

New York
July 7, 1718.

Governor Hunter to Secretary Popple.

[New-York Entries, K., 52.]

To W^m Popple Esq:

Sir,

Hopkins brought me yours and in it a great deal of comfort, finding by that, that I am not become indifferent to you, as I like a suspicious fool or rather Jealous friend surmized in my last.

I assure you that I want nothing but a conveyance to bring me to you, for to deal plainly with you, after the incouragement M^r Mulford and some others have lately met with from some great men, my stay on this side will be but useless to the publick and hurtful to myself, I have no care about any consequences, but in so far as they may effect my reputation, which I think I have taken sufficient care to vindicate By what I have sent inclosed to M^r Philips by this conveyance, If the voice of a whole Province is not Judged of force sufficient to disprove the simple allegations of one crazed old man, it will be invain for me to endeavour any more at being pronounced inocent, I must satisfy myself with being so.

I beg leave to remark to you upon the objections made to our Acts of Revenue, that it will be a very hard task hereafter to find any funds for that use, whilst by clamours of Merchants or those self interested every sort of duty may be construed to affect the trade of Great Britain in all or most other Provinces there is a Tonage or Powder mony, and that here is such a trifle, that it cannot seriously speaking be said to affect any Trade, there is no duty on good imported from Britain, tho in all former Acts of Revenue in Col: Fletcher Lord Bellomont and Lord Cornbury's time there was 2½ p^r Cent on all such, and is it not surprizing that trade should so considerably increase under all these discouragements. In short considering that a land Tax is impracticable, a future Revenue here will be so, at least very difficult under these restrictions not so much by reason of them, but of the constructions that y^e Merchants here and there will put upon every duty whatsoever as affecting the Trade of Great Britain, and Ill afirm without assuming too much to myself, If I do not accomplish it, it will be a long time adoing, come who will in my place.

M^r Philips hints to me that my affairs and intrests move heavily, I sencibly feel he has too much reason, my comfort is that I have deserved a better fate, I cannot see how I can get over till next spring because I am resolved to use my endeavours with the Assembly this fall to remedy what is excepted against in our several Acts But a disallowance of them would put all into confusion and ruin this flourishing Province What ever my fate may be I am eternally

New York Yours

July 7. 1718 Ro: Hunter

Secretary Popple to Governor Hunter.

[New-York Entries, K., 34.]

To Rob: Hunter Esq:

Sir,

The Lords Commiss^rs for Trade and Plantations have received your letter of the 3 of May relating to New York upon which I am to acquaint you that the Acts are under their

consideration and paticularly that for the payment of the remainder of the publick debts which they have now received with your said letter.

Their Lordships transmitted you a copy of the Petition against the said Act in their letter of the 7 May last which they hope you will have received by this and be able speedily to give them a full answer to all the Allegations in the said Petition

It being for his Majesty's service that this Board be at all times acquainted with the absence of the Councillors from their Posts in the Plantations their Lordships Command me to desire that whenever you give leave to any member of his Majesty's Council in your Government to be absent from his Post that such leave be under your hand and Seal and that you forthwith transmit to their Lordships a copy of such licence of leave, as also an account when such Councillor departed your Government and to what place he is gone.

Least you should have misunderstood what their Lordships writ to you the 16 of May $17\frac{17}{18}$ I am to observe to you that by the first Clause of the Act of Navigation mentioned in the 3rd Article of your instructions relating to the Acts of Trade no Foreign ships are to be allowed to trade into his Majestys Plantations But their Lordships are of opinion that British ships cannot be condemned nor their lading confiscated only for trading to or from foreign Plantations Provided that trade be not carried on in any manner contrary to the laws of this Kingdom or of New York whereby the Ships or ladings might be lyable to be confiscated. However their Lordships thinks you will do well to observe your last orders so far as to discourage this way of trading which is contrary to the Treaties of Peace tho' not contrary to Our Laws.

Since the writing of this I have rèceived your letter of the 3 of June last and have laid it before the Board together with your letter to their Lordships of the same date upon which I'm only to observe that the business of Mulfords complaints is to be heard before the Lords of the Committee for hearing Appeals on Thursday the 31 inst: at which time the papers transmitted by you will be made use of Tho I have not received from Mr Philips ye last you mention in your letter to the Board to have transmitted him However I'le send for them that nothing may be wanting to make your innocence and integrity appear I am surprized you seem to complain of want of letters from me having writ to you by almost every conveyance and deliver'd them to Mr Philips to be sent to you This ship being just upon her departure I have not time to make Duplicates but shall do it by the next.

The Board will expect the minutes of Council and other publick papers you mention I am

Sir

Your most obedient

Whitehall humble Servant

July 23 1718 Wm Popple

Sir

In the mean time you have here inclosed a list of such publick papers that are wanting

It is not the business of Mr Mulford that is to be heard as I have said above But the compt of Cox and that is put off to Friday the 8th of August.

Governor Hunter to the Lords of Trade.

[New-Entries, K., 72.]

To the R^t^ Hon^ble^ the Lords Com^rs^ for Trade & Plantations.

My Lords,

With this your Lordships will receive the duplicate of what I wrote by Cap: Jerrard As also the list of the Palatines as they are now planted in this Province.

Your Lordships have also an account of the Revenue of the Jerseys since my administration. But there is no Auditor for that Province. As also such an account as I could at this time procure of the Revenue of this Province but the Treasurer absolutely refuses to have the accounts Audited by the Deputy Auditor here, being by the Acts made accountable to the Gov^r^ Council and Assembly, which is [the] method of audit in both Provinces I told him in Council that whatever obligation he was laid under by the Acts of Assembly they could never be supposed to disolve the obligation, he lay under to account to the King for mony granted to him in the manner he should please to prescribe But M^r^ Clarke the Deputy Auditor has given a more ful account to the Auditor General of that matter than I can do.

I Judged that the representation to her late Majesty from the Govern^r^ Council and Assembly in Lord Cornbury's time might give your Lordships some further information of the causes of the continuation of the old Currency of silver in these Provinces & have for that reason herewith transmitted it,

The account of the Patents for lands is not so perfect as to be fit to be sent by this ship, which goes to Bristol, but by one bound speedily for London it shall be sent. I must acquaint your Lordships that there was little land left in this Province for me to grant, except that resumed from Cap: Evans, and of that there remained little besides the high lands, which can be put to no manner of use but furnishing firewood. The former Governors & Colonel Ingoldsby in his short time having granted away all that was of any value in that tract. The reservation of Quit Rent is always conformable to the instructions half a Crown p^r^ 100 Acres pro Rato. Could we extend our Frontiers there would be land enough.

By last post from Boston I have a letter from London informing me that one M^r^ Baker a Merchant there has had a sum of money remitted him from hence to enable him to oppose some or all our money Bills at home; If we may guess at his employers by his correspondents, they are the same persons who have during all my time strenously opposed all publick settlement & support of Government, And if I had not had the good luck to have them left out in the last elections for city Members there never had been any such settlement; and I am afraid if ever they get themselves chosen again there will be no further; This I beg may induce your Lordships not to give an easy ear to the suggestions of such men but to let the people here have an opportunity to answer for themselves in a matter which affects their very being or at least their being happy, Your Lords^ps^ cannot but observe the vast increase of Trade & Shiping here, which is y^e^ true cause of the unaccountable rage of some of these men, who formerly monopolized what is now become so diffusive Our money bills are equal to silver, over the greatest part of the English Continent & 30 p^r^ Cent better than the Country bills upon the change at Boston itself, Our Credit better than any of our neighbours, a more universal unfeigned duty & firm affection to His Majesty and the present happy settlement than is perhaps to be found in any one part of his dominions, all which may be endangered by the

ruinous ends which those men are pursuing, whilst the last debt bill was preparing in the Assembly the Chief of these men being by chance or design at that time one of the Grand Jury for the City, perswaded the rest to sign an address to me against the passing of that Bill when it was presented I gave for answer that the Bill was not yet before me; But I should [lay] their representation before y^e^ Council and Assembly whom it more immediately concerned, which accordingly I did, The Assembly sent for them in custody & Justly repremanded them for their fault, experience has shewn that the suggestions in that address are groundless & false. I doubt not but M^r^ Baker has laid it before your Lords^ps^ for I am informed that he has laid it on the tables of most Coffee houses in the City

If your Lordships would but be pleased to look back into the affairs of this Province during my time, & take a view of the difficulties I have had to struggle with, occasioned in a great measure by these very men, & the good luck or Art I have had to get the better of them, & compare the former confusion with the present happy tranquility, I am confident your goodness will induce you to make some allowance for failures of small consequence if any there be and to continue your protection and patronage to me against the Rage of a small number of Restless men who have nothing in view but their own private intrests, or the gratifying their Resentment, or if there be any cause unknown to me which robs me of that I am at least well entituled to your compassion I am with the greatest honor & gratitude

My Lords Your Lordships
most humble and
most obedient Servant
Ro: Hunter

New York
Aug: 7. 1718.

The Acts last pass'd are not yet ingrossed.

Number of Palatine Families remaining in the Province of New-York, Anno 1718.

[New-York, Bb., 156.]

An Account of the Families of Germans settled on Hudson's River in the Province of New York.

On the East side of Hudson's River	families		Persons
In Hunters Town	25	..	109
Kingsberry	33	..	104
Annsberry	17	..	71
Haysberry	16	..	75
Rheinbeck	35	..	140
In Schohare			
In Seven Townships	170	..	680

On the West side	families		Persons
New Town	14	..	56
George Town	13	..	52
Elizab: Town	9	..	36
Kings town	15	..	60
Wessels pretended Land	7	..	28
Kingstown Sopes	10	..	40
At New York & places adjacent	30	..	150
	394	..	1601

The widows and orphans are not included in this List.

This to the best of our knowledge is the Acco^t^ of those people settled; amounting to 394 families, containing about 1601 persons

Joshua Kocherthal
John Fred. Hæger.

Governor Hunter to Mr. Philips.

[New-York Papers, Cc., 16.]

Extract of a letter from Brigadier Hunter Governor of the Province of New York to M^r^ Phillips Agent for the said Province

New York Aug 15. 1718

Sir

I am informed that a Summ of money has been sent from hence to procure the Disallowance of our money acts particularly the last Debt Bill which is the most just (& I think) the most unexceptionable that ever was passed. I know the goodness & Penetration of the Board of Trade will induce them to be tender of ruining at once the most flourishing of His Mat^y^ Provinces, upon the suggestions of a very few who have proposed to themselves an Interest in its Ruine. I know not the objections but I forsee an inevitable necessity of my coming home for that very purpose for it is impossible, to answer as one should at this distance or to instruct another

I do affirm that this is at present the most flourishing Province in Trade & Creditt our Money Bills are now at least, Thirty P^r^ Cent better than those of New England on their own Exchange, and equall to Silver all round about us The Trade of this place is increased most conspicuously, as the quarterly Accounts sent to the Lords of Trade will shew. If any of this place have been so wicked as to employ any person in the Foul work before ment^d^ their resolution must be to leave it hav^e^ ruined it

I wrote to the Lords that the Assembly here is to meet next month when (God willing) I shall attend them, and remedy whatever their Lordships think is amiss, but it is a Torment to me perpetually to answer so many groundless [complaints], after so many years unblameable conduct

Should this Province be undone I will make good in the face of the world, that there are more hearty Zealous & sincerely dutiful Subjects of His Majesty undone, than could be by any general Ruine to the same proportion of people in any other part, & that by the means of some, who have no manner of pretence to that Character

I earnestly desire that nothing may be resolved, till I am brought Face to Face to answer these or any other men, as to what I have done in my station.

This is a just & true Extract

October 15. 1718. A Philips

Governor Hunter to Secretary Popple.

[New-York Entries, K., 77.]

To W^m^ Popple Esq:

Sir,

Being summoned by an Express to go to Albany to meet our Indians & Just going on Board, I must beg you to excuse to their Lordships my not writing by this ship, which surprizes me with her departure. I make the greater haste to the Frontiers, that I may meet the Assembly

here next Month as I have promised to their Lordships when I am confident I shall remedy whatever is amiss, but I'll deal plainly with you if there is too easy an ear given to such representations as some self intrested little Merchants there or some spiteful one here may happen to give of Our Affairs and Acts, it is to no purpose for me to remain on this side & I beleive I shall be better able to clear up that matter on the other.

I am ashamed that the Acts last pass'd (which indeed are of no consequence) are not yet got ready, for no better reason than that, on all this Continent they can't find parchment, as the officers aver. I have ordered them however to be engross'd on large paper, if they cannot find the other & sent by the first ship, with this you have a list of them. My Intrests I can perceive move more heavily than usual but if I were to be rack'd I cannot assign a true reason for it. If you can I'm sure you'l make me easy that way. I know nothing that can in probability prevent my seeing you in the Spring but God alone is the disposer of futuritys I am for ever entirely

New York
27 Aug: 1718.

Yours
Ro: Hunter

Lords of Trade to Governor Hunter.

[New-York Entries, K., 37.]

To Brig[r] Hunter

Sir,

Since what our Secretary writ to you the 23 of the last Month, We have received a Memorial from M[r] Miranda a copy whereof is here inclosed complaining of duties raised at N. York upon English ships by virtue of Acts passed in that Province which we suppose to be the Revenue Act & the Act to oblige all Vessells Trading to this Colony (except such as are therein excepted to pay a certain duty &c[a] But as we sent you with our letter of 3 Feb[ry] last our objections to those Acts which are now confirmed by M[r] Miranda's complaint and did then recommend to you to get an Act passed for removing those objections We hope it is already done or will be very soon otherwise we shall be obliged to lay those acts before his Majesty for his disallowance, and We do not doubt but you will take particular care for the future pursuant to the late instructions from his Majesty that no Acts be passed in your Governm[t] which may affect the Trade or Navigation of this Kingdom So we bid you heartily farewell and are

Your very loving Friends
and humble Servants
J. Molesworth.
D. Pulteney
Cha[s] Cooke

Whitehall
August 28. 1718.

Governor Hunter to Secretary Popple.

[New-York Entries, K., 87.]

To W^m^ Popple Esq:

Sir,

Having the opportunity of a Vessell to England from Philadelphia I venture this to beg that you'l acquaint the Lords Com^rs^ that last week the General Assembly here has pass'd an Act for remedying such clauses in their former Acts of Revenue as their Lordships seem'd to object against, but at the same time when they presented that Bill the whole house made the inclosed repres^n^ [1] to me which they desired might be communicated to their Lords^ps^ containing their sentiments upon these matters to which at this time, I shall add nothing (neither is much needful) but when I shall have the honour to appear before their Lords^ps^ God send it may be soon, I believe I shall be able to convince them that the people here are not so much in the wrong as it seems has been suggested to their Lordships. The Act shall be sent over with y^e^ others by the first conveyance from hence which will happen a few weeks hence I am

Sir

Your most obedient and

New York most humble Servant,

Oct^r^ 13. 1718. Ro: Hunter

Governor Hunter to the Lords of Trade.

[New-York Entries, K, 79.]

To the R^t^ Hon^ble^ the Lords Com^rs^ for Trade & Plantations.

My Lords,

I am now to acknowledge the honour of your Lordships letters of the 5 of March, 23 of April and 21 of August, which came to my hands by the Vessels arrived here a few days ago. As to the subject of the 1^st^ relating to the badness of Pitch and Tar exported from y^e^ Plantations I doubt no effectual remedy can be apply'd 'till the next Session of Assembly which will be early in the Spring in the mean time all possible care shall be taken to prevent that abuse. But the exportation will be but small, if any before that time

I have not received with these the Solicitor Generals opinion upon the Copies of the licences for Whale fishing formerly transmitted to your Lordships But hope to receive it with y^e^ Duplicate of that letter which mentions it & whatever it be, it shall be my Guide

I have also the honor of his Majesty's Commission under the Great Seal Empowering me to pardon such Pirates as shall surrender themselves within the time therein prefixt which unexampled clemency I am afraid is like to meet bad returns from that wretched set of men, for we have found by experience that their mony spent and no Merchant willing to employ them they generally return to their former course of life

This Province and the legislature thereof are under the deepest obligation to your Lordships for transmitting the Caveats Lodged with you against his Majesty's approbation of

[1] Inserted at length in *Journals of the Assembly*, I., 422. — Ed.

the Act for paym^{t} of the remainder of the publick debts, I communicated the same to his Majesty's Council (the Assembly having been adjourned before my receipt of it) which they have fully answered in their humble Mem^{l} to your Lordships here enclosed marked A One of the signers of these Caveats called downing a Master of a ship happening to be here at this time; The Committee of Council thought fit to send for him in order to the getting some light into the history of those Caveats whose declaration your Lordships have here enclosed marked B.

The paper marked C is a copy of the affidavit of the Clerk of the Assembly, relating to the insinuations in the Caveats about the not printing the votes.

The Council having been so full in their answers to the several allegations in these Caveats they have left little for me to add in particular So shall only repeat what I formerly hinted to your Lordships. That the chief end aim'd at in that 2^{d} Bill for paym^{t} of debts was doing Justice to a set of men who had appeared early for the service of the Revolution, and had been considerable sufferers in the same and had but small grounds of hopes of relieve from that Assembly (as it was then constituted, that passed the 1st Bill, and so both they & I thought fit to wait a conjuncture more favourable for them. That with the necessary provision for several publick Services are mention'd in the Bill and the payment of many other just debts omitted in the first, I judged (as I hope your Lordships do) to be sufficient Grounds for passing said Act

On the very day I think on which that bill was brought to the Council the Grand Jury for this County addressed me against the same, of which address I see your Lordships have had a copy; my answer to them was that the bill being still before the other parts of the Legislature whom it more immediately concerned, I would lay their Address before them, which accordingly I did and upon which the house of Representatives agreed to, and order'd to be ingrossed, an address to me of which the paper marked D is a copy. It is true it was never presented by reason of the sudden adjournment neither has there been any more thoughts about the same not having heard any thing further about the debt bill till this time.

I need not tell your Lordships, that a few Merchants here, with those over whom they had any influence have formerly and will ever hereafter oppose and obstruct as much as in them lies all Acts for support of Government altho it is self evident, that at this time our credit is higher & our Trade more considerable than formerly as your Lordships may also observe from the Naval officers account herewith sent you.

We have heard with pleasure of Sir Geo: Bings success against the Spanish fleet, they have indeed been making War upon us of a long time, as your Lordships will observe from the Copy of the General Assemblies address to me mark'd E The affidavits and papers relating to that Seizure are transmitted by the persons concerned to the Provincial Agent by this conveyance which he will have the honour to lay before you.

With this your Lordships will receive the Acts past here in the two last Sessions of Assembly of which the paper mark'd F is a list. None of which require any remarks or observations only your Lordships may observe that by the 11th in number the inconveniences complained of in our Revenue Acts are taken away, But there having been in all former Revenue Acts a duty of 2½ p^{r} Cent upon all European goods imported here & a much more considerable duty on all such called Indian goods carry'd up Hudsons River for many years without any objection. And that I am now by His Majesty's special instruction forbid to pass any Laws which may any ways affect the Trade or Navigation of Great Britain and that by this Act mentioned explaining former Acts for support of Governm^{t} the present Revenue is lessened, so that there

will undoubtedly be deficiencies to be made good & that the very name of land Tax is become odious, the Lords having been so long burthen'd by the same on Acco^{t} of the fruitless expeditions, I must become humble supplicant to your Lordships in the name & behalf of the Legislature and people of this Province, that you would be pleased to procure his Majesty's permission to me to pass an Act or clause of an Act laying a duty of 2 p^{r} Cent on all dry goods directly imported from Europe which being on the prime cost does not amount to one p^{r} Cent as the goods are sold here, and is in reality paid by the inhabitants & purchasers themselves, for without this the wisest men cannot devise or find out funds, sufficient for the future support of this Governm^{t}.

Your Lordships will also receive with this the minutes of Assembly with those of the Council in the last of which of 9th Oct^{r} your Lordships have the Assembly's address to me on the subject matter last mention'd & other things relating to their Revenue Acts which I most humbly recommend to your Lordships consideration. And when you have reflected on the former difficulties in settling any Revenue at all, and the consequences that may attend the obstruction of a future settlement I cannot perswade myself that your Lordships can think that the clamours of a few self intrested men avowed Enemies to all such settlement can have force or weight to overbear the joint opinion of his Majesty's Council here the Representives of this Province and the whole body of such as are known to be well effected to his person and Government.

The affairs of the Jerseys requre no separate letter all continues there in perfect tranquility, that Assembly which was to have met at this time is adjourn'd to the begining of January by reason of their Courts of Justice which sit in this & next Month in the several Counties. I am with the deepest sence of Gratitude & honour

My Lords

Your Lordships

most humble &

most obedient Serv^{t}

Ro: Hunter.

New York
Nov. 3 1718.

Governor Hunter to Secretary Popple.

[New-York Entries, K., 88.]

To W^{m} Popple Esq:

Sir,

I have the honor of what you wrote by their Lords^{ps} Command of 23 July, as to that part of it which relates to the Bill for payment of debts, It is fully answer'd in my letter to them by this Conveyance.

There are no Councillors absent from New York with or without leave, tho' some live remote in the Province & cannot attend.

There has no Foreign Vessel been here to trade since I have been in this Governm^{t}; as to our Vessells that Trade to Foreign Plantations, I shall observe the directions given me by their Lords^{ps}

I have by the same conveyance transmitted to their Lordships all publick Acts, minutes & papers which were mentioned in your schedule to be wanting except the Naval Officers acc^{t} for the 3 years mentioned there, which will take much longer time than I have at present to

make out; But if you'l be pleased to send to the Board of Customs to whom for that 3 years they have been by a very odd mistake transmitted they will furnish you with them, they having the same Acc^{ts} by the same conveyances from the Officers of the Customs here.

In my former letters to their Lords^{ps} I have in effect answer'd what you writ in relation to the Council of the Jersey's But there is a mistake in that list of Councillors you sent me, for W^{m} Morris has been dead many years and never was in the Council, so that there is room for John Johnstoun in the Eastern Division & for the continuation of the good old man Geo: Deacon for the Western. Of those formerly recommended Miles Foster, & Rob^{t} Wheeler are dead and John Bainbridge become altogether unfit by age and hard drinking. For the Eastern Div^{n} I continue my recommend^{n} in case of vacancies for John Reid, Adam Hude, John Johnstoun & Thom^{s} Leonard, & John Harrison is now of the Gen^{l} Assembly but he is of the Eastern Division also. For the Western John Reiding son of the deceased of that name, Peter Baird Merchant & Inhab^{t} of Burlington, John Muirhead & Anthony Woodward, but before I can venture to recommend more I must be better advised.

There was no Assembly sat in Jersey in any of the 3 years of which you mention the Minutes of Assembly to be wanting But the Minutes of Council which are wanting shall go soon as they are perfected, which I hope will be by the first conveyance. I have nothing further to add but that I am with great respect

Sir

New York
Nov^{r} 3. 1718.

Your most obed^{t} humble Serv^{t}
Ro: Hunter

Governor Hunter to Secretary Popple.

[New-York Papers, Cc., 18.]

Dear Sir

It is an age since I heard from you, this goes by Bristol a week hence a ship goes straight for London, which I will follow soon, when I can get one to cary me, by that ship I shall send to their Lordships the Acts passed in New Jersey, with the Minutes of Council & Assembly, they have continued the support of Government there for two years, but all my Art and Interest could not prevaile upon their Stingy Nature to establish an Agent, but by the by I was bedrid dur^{g} all that Session and but poorly recover^{d} now and have no hopes but in Aix la Chapelle

Cox has writt to his friends that he has had a full hearing in Council. If he has new matter it is but just I should be acquainted with it, if not I have answered the old but I am weary of this life

Give my most humble duty to their Lordships & let them know that I have no orders relating to the war proclaimed to the Southward but hope to have it speedily, pray send over if not done the Attorney Generals opinion of the whale fishing for I have not received it yet, but have surceas^{d} all demands on that score till I know what it is

The Assembly here is now mett & probably will continue the Revenue, but I am afray'd only for a short time, for they begin to smoake my design in spite of all my disguise

I hope I shall leave these Provinces in the condition they now are that is perfect peace and a good disposition, & that I shall be more able to serve Mr Bampfield & his Interests on the other side than I have been on this

The Kings affairs goe soe well by all accounts that I little regard my own, being well assurd that if they go well it can not be ill with me. Pardon the trouble of the inclosed I long to open my heart to you which I think will be soon & in that I shall have no more reserve than I have in being by the Strictest Bonds.

New York Yours
18. May 1719 sgd Ro Hunter

I send you the Naval Officers Accounts by this to lessen the next packett which is like to be a large one

Lords of Trade to the Lords Justices.

[New-York Entries, K., 93.]

To their Excellency's the Lds Justices

May it please Your Excellency's

In obedience to an order in Council of the 23 of April 1718, We have considered the Petition of several Merchants Trading to New York, in behalf of themselves and others inhabiting the said Province, praying to be releived against an Act of Assembly passed there in Decr 1717 for paying and discharging several debts of that Province, and putting several Quantities of Plate into the hands of the Treasurer to be applied to public uses and for making Bills of Credit for 41517½ ounces of plate for that purpose.

When we first heard what the Merchants had to offer in order to support the allegations of their Petition We had not then received the aforesaid Act, & where therefore obliged to write to his Majesty's Govr of New York to transmit it to us by the first opportunity, as we informed the Lords of the Council on the 6 of May 1718. And altho the Act was received the 24 of June following, nevertheless as the Merchants in that interim had deliver'd to us a represn containing several objections (not mentioned in their Petition) against it which were grounded on divers facts and circumstances whereof we were not fully apprised, We could not in Justice to the Legislature of the said Province report our opinion thereon to your Excellencies, before we had also heard, what they had to offer on this occasion.

But having now received from His Majesty's Govr and Council at N. York a memorial in answer to the Merchants objections, and having again discoursed with the said Merchants upon this affair. We crave leave in the first place to give Your Excellency's an account of the proceedings of the Legislature of New York, previous to the passing of the Act now complained of, and that your Excellencies may have the whole before you, We shall annex hereunto the Merchants Represention's & the aforesaid Memorial from the Govr & Council, We shall likewise make some remarks on what appears to us most material in those papers, and offer our humble opinion to your Excellencies upon the said Act.

As to the state of this affair, it is manifest that the Province of New York had been considerably indebted for many Years past, to several persons for mony and effects advanced

for the necessary service of the Province, and that provision had been made by former Govrs for the paymt of a great part thereof out of the Funds which from time to time had been raised for the support of the Governmt and that warrants had been accordingly sign'd & issued for the same; But those sums so raised being misapply'd, the debts remained upon the Colony, & the natural consequence thereof was that the credit of the Governmt was in a great measure sunk, & the inhabitants discouraged & disabled to extricate themselves from the difficulties they were under.

However in compassion and Justice to those to whom the Province was indebted, an Act was passed in Decr 1712 entituled an Act to appoint Comrs to examine and state the several debts claimed to be due from that Government

And in order to raise a fund for discharging those debts another Act was passed in Octr 1713, entituled an act for laying an excise on all strong Liquors retailed in this Colony Vizt ⅛ of an ounce of Plate on every Gallon of strong Liquors and ¾ of an ounce of Plate on every barrel of beer and cyder retailed as aforesaid: This Act is to continue in force for 20 years, that is from the 1st Novr: 1714 to the 1st of November 1734, and the mony arising thereby is appropriated for discharging the publick debts of the Colony, to be directed & ascertained by an Act to be made for that purpose.

Accordingly in Sepr 1714 An Act was passed entituled, an Act for the paying & discharging the several Debts & Sums of mony claimed as debts of this Colony to the several persons therein named, and to make & enforce the Currency of Bills of Credit to the value of 27680ll for that purpose, also to make void all claims & demands made or pretended to be due from this Colony before the 1st of June 1714, and to prevent this Colony from being in debt for the future.

The several sums provided for by this Act are to be paid in Bills of Credit, and the Claimants to accept them in full satisfaction of what was respectively due to, or claimed by them, And the Bills to be accepted & currant in all paymts whatsoever, but not to be issued before the aforesd Act, as well as the Act for laying the Excise on all strong liquors were confirmed by Her Majesty & the Royall Assent first signify'd within the Colony.

Both these Acts his Majesty was graciously pleased to confirm on the 17 of June 1717, to the great satisfaction and advantage of His said Colony

But whereas many persons were precluded by the said Act, which debarred all those who were not expressly named therein, from any other claim for debts due before the 1st June 1714, another Act was passed in 1715, entituled an Act for better explaining one Act of Genl Assembly passed in 1714, for paying & discharging the several debts of this Colony &c whereby it is enacted, that nothing in the said Act which had excluded all future demands whatsoever shall be construed to hinder, bar or exclude any person having any just claim or demand on this Colony, who at the time of making that Act was within the Age of 21 years, feme-covert, non compos mentis, imprison'd or beyond the seas, from pursuing and obtaining such relief as if the said Act had never been made.

This provision being made by the aforesaid Act in favour of claimants, and Commrs being appointed to state and adjust the several debts of ye Colony upon that foot, public notice thereof was given, and an acct of the said Debts was laid before the Assembly together with an acct of such other subsequent debts as were unprovided for, and the Assembly having resolved to discharge the whole, and to raise such a sum as was necessary for some other contingencies: In Decr 1717 the passed the Act which is now complained off entituled, an Act for paying & discharging several debts due from this Colony, to the persons therein named,

and for raising and puting into the hands of the Treasurer of this Colony, several quantities of Plate to be apply'd to the publick & necessary uses of this Colony and to make bills of Credit to the value of 41517½ of plate for that purpose.

And for sinking of the said Bills of Credit, they laid a duty of 1¼ oz^{s} of Plate on every Ton of Wine & 2½ Gr^{s} of Plate on every Gallon of Rum, Brandy and other distilled liquors imported into this Colony for 17 years, from the time of passing the said Act, and the excise laid on liquors by y^{e} former Act passed in 1713, is continued for 5 years longer Viz^{t} from the 1 of Nov^{r} 1734 to the 1 of Nov: 1739 to answer the purposes above mentioned.

Having thus laid laid before your Excell^{ys} the proceedings of the Assembly on this occasion, We must observe, that no objection has been raised against the Act, which pass'd in 1714, for paying off sev^{l} debts amounting to £27680 nor against the explanatory Act that passed in May 1715, from whence as well as from the nature of the things it may be concluded that as they were under the necessity of discharging their debts the method they took for that purpose was generally approved of.

And if it was just and reasonable to provide for the aforesaid debts, there can be no doubt but that they were equally obliged to discharge all their other just debts, notwithstanding the claimants could not ascertain what was due to them before the passing of the first Act, nor can it be imagined, if it had been declared in the preamble of that Act, that the said Act should not serve as a president for the future as the Merchants have asserted in their representation that the legislature of the Province could have been concluded thereby much less that it would have been a sufficient reason to have excluded or debarred the aforesaid claimants but the merchants are mistaken in this fact for there is no such declaration in y^{e} Act, and if they would but consider the arguments that are offered in y^{e} preamble of the Act for allowing of many of those claims which possibly might be rejected, or not insisted on for want of proper Vouchers, before that Act passed We cannot suppose they would object against this Act, as far as it relates either to the payment of the just debts of the Colony, or to any provision that is thereby made for incidents, provided that y^{e} same is reasonable and that the mony so raised be duly applied Besides that the said merchants not being inhabitants within the Colony cannot pretend to be affected by an excise on liquors retailed there.

But the said Merchants complaining that out of the 41517½ ounces of Plate raised by bills of Credit on this Act 22749 Oz^{s} are divided among the legislators and their friends, it will be necessary to enter into a particular discussion of this objection.

Whereas therefore it appears by their account that the Act directs there shall be paid.

	Plate	
	Ounces.	Dwt.
To the Governor	2525	"
To the Council	2750	"
To the Assembly	6009	16
For Negroes Executed for Rebellion	950	"
To several for Services done to the Colony	2662	17
For paym^{t} of Sev^{l} debts formerly provided for	1404	17
For Building and Repairs	550	"
For making lines & for the Agent of y^{e} Colony	3750	"
To the Commissioners who adjusted the Debts & for charges relating to ye Act & Bills of Credit	2147	"
	22749	10

It must be considered whether any of these sums are allowed before sufficient cause was assigned.

By the method that was taken to adjust and settle the publick Debts of the Province it is manifest that they were all proved by proper Vouchers or by the oaths of the respective claimants that they were first stated by Commiss^{rs} appointed for that purpose & afterwards examined by the Assembly who were undoubtedly the best and only proper Judges of the validity of those demands, as well as of the utility of those things they have provided for.

But to descend to particulars

The 2525 ounces of Plate made good to the Gov^{r} appears to be a just debt for so much expended and by him disbursed in repairing the fortifications.

As to the 2750 ounces allowed to the Council, althô we have not any precedents of that nature by us in this Colony yet for the reasons they mention in their memorial, & it being customary in many other of his Majesty's Colonies to pay the Council a constant Salary or to make them as well as the Assembly an allowance on their publick meeting they might think themselves reasonably entituled to some consideration for their extraordinary attendance & application on this occasion.

The 6009 ounces paid to the Assembly and 950 ounces allowed for Negroes, might have been raised as usual by y^{e} Respective places for which they serve, and by the Counties where the Negroes were executed but the Assembly having thought fit to provide for these debts in this rather than in other manner it is to be presumed that they were assured this would be the most acceptable method to this Country

The allowance of 2662 ounces to several for services done to y^{e} Colony was settled with the same care, & stood upon the same foot with their other publick debts, notwithstanding it is thus distinguish'd nor has any instance been given that the satisfaction made to the Claimants has exceeded what was expended by, or was otherwise due to them.

As to the 1404 ounces granted for debts, provided for in 1714, since they were not then paid and that the mony raised to discharge the same has been apply'd to other publick uses, it was but just to make a new provision for them.

The 550. Oz^{s} for buildings &^{c} and

The 3750 Oz: for making lines &^{c} As they were raised for the publick use and service of the Province, so y^{e} persons to whom they shall be issued will be obliged to account for them

And the 2147 ounces allow'd to the Commissioners who attended so long upon adjusting & settling the debts, and for other charges relating to the Act and Bills of Credit, cannot surely admit of any reasonable objection

For the aforesaid reasons, We must therefore conclude that y^{e} objections against allowing these several sums are slightly grounded, and the Legislature have acted both justly and prudently in endeavouring to extricate the Province out of the difficulties, their publick debts had involved them in.

We must further observe that y^{e} appropriation of the said duties for sinking the bills of Credit cannot, as is pretended render the support of the Governm^{t} precarious. The Custom and other Funds appropriated for that use being sufficient to answer more than the ordinary charge of the Government there.

We are also far from agreeing with the merchants that these Bills will be to y^{e} prejudice of the Trade of New York, that we doubt not, if y^{e} credit of the Bills is maintained according to the tenor of the Act, the Trade of the Province will be greatly incouraged and facilitated thereby, as it appears to have been since the first Bills were issued.

Nor are we sensible that it was in the power of the Legislature of that Province to have taken any other method which would have answer'd their intention and design so well it being very probable, that the Funds appropriated for sinking y^e^ Bills of Credit both of 1714 & 1717 will effectually serve for that purpose the excise having been already farmed for five years at 3750 Oz^s^ of plate p^r^ annum.

But whereas the Act now complained of, is of the same nature with the former Act which passed in 1714, there should likewise have been, as there was in the former a clause therein contained to prevent the same from taking effect until it should have been laid before his Majesty and his pleasure signified thereupon.

It must likewise be allowed that the credit of the Bills struck in 1714 may possibly be affected by y^e^ additional increase of those in 1717 the merchants have asserted to us, that they are fallen about 9 or 10 p^r^ Cent, however as the Governor & Council have represented in their memorial that y^e^ difference between Gold in New York and Pensylvania (where there is no paper Credit) is but little more than ½ p^r^ Cent, and in Current Silver little or nothing and that the value of Silver varies as there is more or less Silver in that Province, We are apt to believe the merchants may be misinformed or imposed upon in this particular as well as in several others that the discount on the Bills of Credit is not so inconsiderable as they imagine but if it be, that it may very probably have been occasion'd by causes very different from those by them assigned

But as the case now stands these debts are owned and provided for by y^e^ Governm^t^ and the Bills of Credit being issued they are transferred in course from y^e^ first claimants to others who have been obliged to take them according to the direction of the Act; Wee must therefore submit it to your Excellencies consideration, what confusion and disorder the Colony & the Trade thereof would be in, if the Merchants prayer of their Petition should be granted

Upon the whole therefore we must humbly offer it as our opinion that if his Majesty should be graciously pleased to confirm this Act, it would tend to the great advantage and benefit of His Majesty's said Colony

But at the same time it seems absolutely necessary that the Gov^r^ should be enjoyned by His Majesty's commands in order to prevent the further increase of paper Credit and the anticipation of any fund upon which mony may be raised to supply the emergencies of the Government not to give his assent to any other Bill of this nature, & to transmit to one of His Majesty's Principal Secretaries of State & to this Board every Six Months accounts of the produce of the funds appropriated for sinking the Bills of Credit. and of the amount of the Bills accordingly sunk which we hope would more effectually raise the Credit of that Colony and better contribute to the promoting of Trade there, than the method proposed by the merchants in their Petition

All which is most humbly submitted

PAUL DOEMINIQUE
THO: PELHAM
DAN^l^ PULTENY
MART: BLADEN
CHA: COOK

Whitehall
June 4. 1719.

Lords of Trade to the Lords Justices.

[New-York Entries, K., 107.]

To their Excellencies the Lords Justices

May it please your Excellencies

Having had under our consideration an Act passed in His Majesty's Province of New York in 1718, entituled An Act for reviving An Act of General Assembly entituled An Act for the easier partition of Lands in Joint Tenancy or in Common, and making the same more useful & effectual for the purposes therein mentioned and having had the opinion of M^r^ West one of his Majesty's Council at law upon the s^d^ Act we humbly take leave to represent to your Excellencies

That as to such part of the said Act as only revives the Act for the easier partition of Lands in joint Tenancy or in Common which was confirmed by her late Majesty in 1709, we have no objection but whereas by the additional Clause contained in the present Act intended to be considered as part of the revived Act, all Tenants in common without distinguishing the different intrests which they may have in their lands after partition made by agreement among themselves in writing are to hold their lands to them & their heirs whereby a wrong may be done to other persons since a man who is only ten^t^ in common for terms of life or for years &^c^ with others who are tenants in fee may be the general words in this clause after having duly executed an agreement for the partition of lands claim an estate to him and his heirs by which means the person entituled to the inheritance after his Death or other sooner determination of his Estate would be highly injured

We therefore most humbly submit to your Excellencies whether it may not be fit to repeal the said Act

CHA: COOKE
J. MOLESWORTH
D. PULTENEY
M. BLADEN

Whitehall
June 19. 1719.

Secretary Stanhope to the Lords of Trade.

[New-York Entries, K., 111.]

To the Right Hon^ble^ the Lords Com^rs^ for Trade & Plantations.

My Lords & Gentlemen

It having been represented to the Lords Com^rs^ of his Majesty's Treasury that in relation to the Revenues of N. York the whole managem^t^ of what is raised for the support of his Majesty's Gov^t^ there has of late years in a very extraordinary manner by the authority of the Assembly been taken from the officers of the Crown constituted by his Majesty's letters Patents for that purpose, & put under a particular Administration of their own, contrary to the ancient practice and natural dependance which that Colony ought to have upon the Governm^t^ here, their Lordships in order to be fully informed of the whole state of this matter desire that you will

transmit to them as soon as you conveniently can a copy of all the clauses in the Govr of N. Yorks instructions, that any ways relate to the Revenue there, as also a full account of all Acts of Assembly as clauses of Acts passed in that Province for the last ten Years, concerning the levying, issuing, disposing or accounting for any monies raised upon his Majesty's subjects in those parts distinguishing all such Acts as they have been or have not been confirmed by ye Crown here.

Their Lordships desire you'l likewise send them an account of the instructions which have at any time been sent to the Governors of New York about making grants of lands there, and under what restrictions rents & covenants such grants were ordered by the said instructions to be made and whether the grants so made have been conformable to the said instructions. I am,

My Lords and Gentlemen

Treâry Chambers
July 2. 1719.

Your most humble Servant
C. STANHOPE

Intelligence of a French Fort at Niagara.

[New-York Colonial Manuscripts, Albany. LXI.]

At a Meeting of the Comrs of Indian Affairs at Albany the Sixth Day of July Anno Dôm: 1719

PRESENT—Collonll John Riggs, Hendrick Handsen, John Schuyler, Mindt Schuyler, Robt Livingston Junr, John Cuyler, Peter Van Brugh, Esqrs

The Conassoro being come here from Onendagah gives us an Acct that the French are Building a Fort at Yagerah near the Great Falls, and Says that the French are Settleing all round them, So that they are Confind as it were to their Own Perticular Possessions within The Narrow Limitts of their Own Countrey and Says they Have Reason to Suspect (according to the Useuall Practise of the French) That they may when an Opportunity Offers Take the first Advantage to destroy them, The Conassoro being asked how he came by this News He says he Being lately at one of the furthermost Castles of the Ceneca's called Onahe, within a Days Journey of Yagerah he mett with some Ottawawa Indians, Who sayd they had Asked the French how they came to make a Fort there without asking Leave of the ffive Nations, Who Answer'd they had Built it of their Own Accord, without asking any Bodys Leave and Design'd to keep Horses and Carts there for Transportation of Goods Besides by that Means they could hinder those Forreign Nations from Tradeing to Albany, He says further that ffive of those Indians being on their Journy hither with Goods, One of them was Killd which Prevented them from Proceeding on their Journy, but by whom he Knows not, But they Desir'd the Ceneca's to keep the Path Open That they might Continue their Trade to this Governmt

Upon which we Gave a Belt of Wampum to the Conassoro to Desire the Five Nations to forbid the French to Build a Fort near Yagerah Whilst We in the mean Time acquaint his Excell^cy of the above Acc^t given us by the Conassoro, and wait his Excell^cy^s further Directions

The Conassoro says he's only here now as a Private Person and Cannot accept of the Belt on that Acc^t but if his Excell^cy thinks Proper to Take Such Methods in Destroying this Fort as was done in the destroying the Block house at Onondagah he do's not doubt but it will be Effected to the Satisfaction of the Governm^t and the ffive Nations and that he himself will use his Utmost Endeavours and that he Doubts not but the ffive Nations will Joyn with us in Effecting it

Governor Hunter to Secretary Popple.

[New-York Papers, Cc., 23.]

D^r Sir

Being to embark in three days you may guess my hurry

I have only time to beg you to make my most humble duty and acknowledgem^ts acceptable to their Lordships & assure them that I leave these Provinces in perfect Peace and a good disposition in the minds of all the people & I hope that the respective presidents of Council will so behave themselves as to give no grounds to believe that their conduct shall have made any change in that happy state during my absence

The minutes of Council & assembly I shall bring with me, but the Acts passed in this last Session cannot be ingrossed in that time

I send you in the two enclosed papers some account of our parting as also the Naval Officers accounts God send us a happy meeting that I may have an occassion which I have so much longed for of assuring you in the most sensible manner, I am capable to do of the sincere friendship & hearty affection with which I am

D^r Sir

Y^r most obliged grateful

New York July 7 & humble Servant

1719. sg^d Ro: Hunter.

Veto of the Act for the Partition of Lands in Joint Tenancy.

[New-York Entries, K., 116.]

At the Council Chamber Whitehall the 9 of July 1719.

Present— Their Excellencies the Lords Justices in Council

Whereas by Commission under the Great Seal of Great Brittain the Gov^r Council & Assembly of His Majesty's Province of New York are authorized and empower'd to make, constitute and

ordain Laws, Statutes & Ordinances for the Publick peace, welfare & good Govern^{t} of the said Province: Which Laws Statutes & Ordinances are to be, as near as conveniently may be agreeable to the Laws and Statutes of this Kingdom, and are to be transmitted to His Majesty for His Royal approbation or disallowance; And whereas in pursuance of the said powers, An Act has passed in that Province in 1718, and been transmitted, entituled as follows Viz^{t}

> An Act for reviving an Act of General Assembly entituled an Act for the easier partition of lands in joint Tenancy or in Common & making the same more useful & effectual for the purposes therein mentioned

Which Act having been perused & considered by the Lords Com^{rs} for Trade and Plantations, and reported to this Board, that they have no objection to such part of the Act as only revives the Act for the easier partition of Lands in joint Tenancy or in Common, which was confirmed by her late Majesty in Dec^{r} 1709, But that by an aditional clause contain'd in the present Act intended to be considered as part of the Revived Act; All Tenants in Common without distinguishing the different interests which they may have in their lands after partition made by agreement among themselves in writing are to hold their lands to them and their heirs, whereby a wrong may be done to other persons, since a man who is only Tenant in Common for term of life or for years &^{c} with others who are Tenants in fee may by the General words in this clause after having duly executed an agreem^{t} for the partition of lands; claim an Estate to him and his heirs, by which means the persons entituled to the inheritance after his death or other sooner determination of his Estate would be highly injured And the s^{d} Lords Com^{rs} therefore humbly offering that the said Act may be repealed

Their Excellencies the Lords Justices in Council this day taking the same into consideration, are pleased to declare their disallowance of the said Act, and pursuant to their Excellencies pleasure thereupon the said Act is hereby Repealed declared void and of none effect.

ROBERT HALES.

Mr. Philips to Secretary Popple.

[New-York Entries, K., 118.]

To W^{m} Popple Esq^{r}:

Sir,

The enclosed is Col: Vetch's letter to me in answer to my enquiries about the Boundaries claimed by the Province of New York; which will be pleased to lay before their Lordships to morrow. I am

Sir

Your most humble Servant

Aug: 3. 1719 A PHILIPS

Sir,

Letter of Colonel Vetch to Mr. Philips.

I have the favour of yours with relation to the limits betwixt the Province of New York in America and the French of Canada in Answer to which I can only acquaint you that as they have never yet been determined, so each party claim what seems most

convenient and advantageous for them, the Lord Bellomont when Gov[r] of New York made some endeavours towards it but the Gov[r] of Canada pretending he was not sufficiently empower'd from home for that effect delay'd it. & so it continues still controverted. As the Lakes are in some measure a Barrier betwixt our Colony of New York and them so we pretend they have no pretentions on our side of the Lake: and for the other part as the five Nations of Indians (known by the name of the Mohocks Seneques Cayungas, Onondagoes, & Oniedas) who have so long been in alliance with the Crown of Britain lye betwixt us and them, we have all along asserted the Sovereignty of their Country to belong to us, tho' for some years past the French Priests and presents having debauched over to their Intrest a good many of those people, the French in right of them claim a Title to the Country, this is the present situation of that affair and as the British Inhabitants of that Colony complain extreamly of their almost total loss of the fur and peltry Trade which was of so great value to them, which the French have now inhanced so unless some speedy remedy be found to prevent it, the five abovenamed Nations who are proprietors of a large and valuable country and the barrier betwixt us and the French will be totaly lost. This is what I know of that Affair who am

Sir

Your most humble Servant
to Command

July 29. 1719 — Sam[l] Vetch.

Governor Hunter to Secretary Popple.

[New-York Entries, K., 119.]

To W[m] Popple Esq:

Sir,

On Thursday the 24 of last month, we were put in here by contary winds w[ch] have continued so to this hour, so I judge it necessary to send to their Lordships the minutes of our last Session of Assembly at New York least either the winds or my indisposition should keep me too long from personally paying my duty. I am &[c]

Hamoose near
Plymouth Oct[r] 4. 1719. — Rob[t] Hunter

Colonel Schuyler to the Lords of Trade.

[New-York Papers, Cc., 28.]

New York 31 Oct 1719

May it please y[r] Lordsps

A. Acts sent. Bridgadier Hunter leaving this Province in order to go to England presently after the last Sesssion of the Assembly the Acts then passed could not be got ready to go by that Conveyance I now enclose them together with a list of their Titles which is all that is necessary to be said his excellency being now I hope safely arrived

B. Minutes of Council, list of stores and state of the Garrisons & soldiers bedding &c sent

I likewise send your Lordship the minutes of the Council to the 29th Instant as allso an account of the Stores in this Fort taken the 29th day of July last a Coppy of a memorial presented to me by Captain Weemes & Lieut^{t} Symes concerning the present state of the two independent companies Posted in this Garrison & of the memorial of Captain Riggs & Captain Holland concerning the State of their two companies at Albany with enclosed accounts of their Bedding they now have and a list what they want which memorialls I humbly refer to y^{r} Lôdps wisdom

Memorial relating to the Boundaries between New York & New Jersey, Reasons why the survey of the Boundaries are stopt.

I send also to your Lordships a Copy of a Petition presented to me by Allane Jarret the surveyor appointed on behalf of this Province for running & ascertaining the division line between this Province & the Province of New Jersey with the Councils Report thereupon to me by which your Lordsps will perceive there is a present stop put to those proceedings & unless I should compel him against the advice of the Council to proceed notwithstanding his Petition it could not be avoided & I do not see that I could justify such proceeding against express & positive declarations without offering an injury to his conscience and exposing this Province to all the wrongs that may consequently follow upon it besides the money given for that service is more than exhausted already by the issues first made & the demand now brought in. I take it to be a work of great importance to the King in which his Quitt Rents Lands & the property of his subjects are concerned and I had rather be over cautious then rash in such affair which is intended to be forever binding tho' I find the Proprietors of Jersey are much exasperated and I hope that before any resolution be taken timely notice will be given that both the Government here on the behalf of His Majesty & the Proprietors of lands holding under Patents from this Government may lay before your Lordships what they have to say when they are thorougly informed of the Proceedings of the Jersey Proprietors presuming they will make their application to your Lordships

C. The Boards letters relating to the French Boundaries.

I had the honor to receive your Lordships letter of the 7th of August last relating to the Boundaries of this Province on the French settlements His Excellency Gov^{r} Hunter I believe carried with him the best Map that has yet been made of Hudsons River. But of the Countries belonging to the five Nations no Map has yet been made nor is there any publick money to do it with the French have already settled at the back of us from Canada to Messassipie in the last war they attempted to make some Settlements among the five nations & its feared are every day gaining ground for want of ascertaining the Limitts & placing Garrisons at the Lakes & I humbly hope your Lordships upon these considerations will apply to His Majesty that his pleasure may be known concerning a Mapp of the Province and particullarly of the frontiers. I am sorry there is no money in the Treasury here to defray the expence if there was I would not give your Lordships the Trouble of this request

D. The Surveyor General dead & Mr Jarratt appointed in his room.

Collonel Graham the late Surveyor General of the Lands of this Province being lately dead I have ordered a commission to be prepared appointing Allan Jarratt whom I have before mentioned, a person agreed on all hands to be the most capable of any one in the Country so recommend^{d} to Governor Hunter who appointed him Surveyor for ascertaining the Bounds between this Province and Jersey & a man of a very fair reputation for honesty & integrity & sound understanding

I am Y^{r} Lordships

Most humble & obedient Serv^{t}

P^{r} SCHUIJLER

Colonel Schuyler to the Lords of Trade.

[New-York Papers, Cc, 46.]

New York Novr 21. 1719

My Lords

On the 31st of last month I gave myself the honor to write your Lordps by Captn Downing & by Captn Avrey and to send by the former the Acts of Assembly past here the last sessions, the Minutes of Council till that time & a list of the Stores, & such other publique papers as I conceived the Post which I have the Honor to be in at present obligd me to transmit to your Lordships

Soon after I was honored with a letter from Mr Popple by order of your Lordships dated the 26th August last, & therein a Packett for the Jerseys & an other for Conecticut which were immediately fowarded, I had also therewith a Printed Act of Parliament wherein some clauses relate to Pitch and Tarr from the Plantations, the form of a certificate to be given upon its importation, a method practised in Russia to make Tarr, & Rules for raising Hemp And since it was your Lordships command to have them made publique in the best manner for the information of the Manufactors & Traders in those Commodities the Councill was of opinion with me that the most effectual way to answer that end would be by having those several Papers forthwith printed which was ordered accordingly, as your Lordships will perceive by the Minutes of Council which being continued from the last to the 16th instant inclusive are herewith transmitted

In those minutes your Lordships will perceive by the Propositions made by some Sachims of the five Nations to the Commisioners of the Indian affairs at Albany that they look upon themselves slighted by His Matys other Governments to the Southward. And tho' this Government does always use its utmost Interest amongst them to prevent their going to Warr against the Indians which live that way, it is possible that such contempt may at one time or an other occasion consequences which are much easier prevented than redressed I therefore take leave to mention this as a thing worthy your Lordps consideration

Tho' I acquainted your Lordships in my last, the just motive I had to direct a commission to be made out for Captain Allane Jarrett to succeed Col Graham deceased in the office of Surveyor General of Lands in this province, I was willing to postpone it (because several others made application for that post) untill I had the advice & opinion of the Councill, who they judged best qualified for it, & they agreeing (as may appear by the said Minutes) that the said Captn Jarratt was best qualified for that station he accordingly had a Commission for the same under the seal of this Province which I find meets with a general approbation. In all other occasions I shall follow the same Rule of preferring persons of the best substance and Parts which I beleive just & agreeable with His Majesty's Instructions.

I forebore to Trouble your Lordships with a Petition from the owners of Land in this Province bordering on the line of the Jerseys because I was in hopes the Gents of the Councill, to whom it was committed would have made a Report thereon that I might have transmitted both together but since some of the Jersey proprietors have presented a long memoriall to the President of that Province which I presume they either have or will send home I conceave it my duty to enclose a Coppy of said Petition that your Lordships may be apprized of the weight & validity of the Allegations contained therein which the Petitioners offer to make out except the mistake in the date of the Dukes grant, when the Council have

made a Report on that Petition & the Petitioners their Remarks on the said Memorial, they shall be transmitted in like manner

I hope that in the mean while no solicitations of the other side may obtain any order to the Prejudice either of this His Majestys Province or of its Inhabitants, untill they are first fully heard thereon

As I conceave they are of Right entitled hereto I should have look^{d} upon myself Remiss in my duty if I had not taken the liberty to recom^{d} this to the care of your Lp^{s} & I flatter myself it will have its due effect. I am Mylords, Your Lordships mo humble S^{t}

sg^{d} P. SCHUIJLER

Governor Hunter to the Lords of Trade.

[New-York Entries, K., 121.]

To the R^{t} Hon^{ble} the Lords Com^{rs} for Trade & Plantations.

Brig^{r} Hunter Gov^{r} of New York begs leave most humbly to represent

That by late advices from some of the Council, the Sec^{ry} & others of that Province he has reasons to apprehend that y^{e} present President in whose hands the Government is lodged has an intention to break into the measures, that the Gov^{r} had with much labour settled for the peace of that Country, and his Majesty's true intrests, contrary to a letter of advice deliver'd over to him in and approved by the Council

Particularly he has begun with the change of some of y^{e} principal in the Magistracy which they believe (as they write) will be follow'd by that of all the rest, In order to a dissolution of this present Assembly the most dutiful to their Sovereign and y^{e} most attentive to the true intrests of the Colony that y^{e} Province could ever boast of

He most humbly submits it to your Lordships, whether it may not be expedient in the mean time until a more effectual remedy may be apply'd that his Majesty be advised by a letter from his principal Sec^{ry} of State to signify his pleasure to the President in Council that no alterations be made, but what shall appear by advice of the Council there to be absolute necessity, and that by no means disolve or suffer to disolve for want of due prorogations this present Assembly. This as immediately necessary for the quiet of that Country & future ease of the Governm^{t} is most humbly & with all duty submitted to your Lordships by

My Lords

Your Lordships

most obedient and

most humble Servant

Ro: HUNTER.

London

Dec^{r} 22. 1719

Lords of Trade to Secretary Craggs.

[New-York Entries, K., 122.]

To the Rt Honble Mr Sec: Craggs

Sir

We have the honor to send you inclosed the copy of a memorial from Brig: Hunter acquainting us that the President of the Council at New York, who has now the Administration of the Governmt there, has began to make such alterations in the Magistracy as may be prejudicial to his Majesty's Service if his further proceeding therein be not prevented, Upon which having discoursed with Brig: Hunter, we think it may be for the kings service that orders be sent to the said President not to make any other alterations than such as shall be thought by the Council to be absolutely necessary, and particularly that he does not presume to dissolve the present Assembly or suffer the same to be dissolved for want of due prorogations till his Majesty's further pleasure be known. We are

Sir

Your most obedient and
humble Servants

J. Chetwynd
Cha: Cook
P. Doeminique
T. Pelham
M. Bladen

Whitehall
Decr 23. 1719

Lords of Trade to Secretary Craggs.

[New-York Entries, K., 128.]

To the Right Honble Mr Secry Craggs.

Sir,

In obedience to His Majesty's Commands Signified to us by your reference of the 14 Dec. last, we have considered the Petition of Cap: Jno Evans, setting forth that he commanded the Richmond Man of War in 1693, and was sent to New York where he remained almost Six Years; that the then Govr Col: Fletcher, in consideration of the services the Petitioner did at New York and of the sum of 500li paid him, the sd Govr did grant the Petitioner a tract of land of 18 miles in length upon Hudsons River, and 30 miles backwards into the Country. That the Petitioner expended large sums in clearing part of the said land, building of houses & settling several farmes &ca which said land some years afterwards under the Government of the then Earl of Bellomont by an Act of that Province was resumed with many others to the Crown. That the said Act was repealed by another Act of that Province under the Governmt of the then Lord Cornbury now Earl of Clarendon; But her late Majesty by her order in Council of 26 June 1708, disallowed the last mentioned Act and confirmed the first, whereby the Petr became a great sufferer & therefore he humbly prays, that his Majesty will be graciously pleased to restore the said tract of Land to the Petr or grant him an equivalent.

We have also discoursed with the Petr and Brig: Hunter Govr of New York and have examined into our books in relation to this matter; Whereupon we take leave to inform you;

That we find Col: Fletcher whilst he was Govr of that Province, did make several extravagant grants of land to the great detriment of that Colony; whereby the peopling & settling thereof; was rendered impracticable, most of which grants (and amongst the rest that to the Petitioner) upon the repeated complaints of the ill consequence of them to that Province were resumed to ye Crown by an Act passed there in March 169$\frac{8}{9}$ pursuant to several Reports of this Board thereupon, which Act was confirmed by an order in Council of 26th June 1708 And an Instruction prepared for Brig: Hunter then going over Govr directing to regrant to the late Patentees of such resumed lands a suitable number of Acres not exceeding 2000 to any one person; And we have been informed by Brig: Hunter that the Grantees refused to accept such a proportion of Acres whereupon the lands ressumed were regranted in small parcels to other persons. But it appears to us, that the Petr neither did nor could reap any advantage from this instruction being employed abroad in her late Majesty's Service, as commander of one of her ships of War and otherwise for some time both before and after the said Act for vacating the extravagant grants was confirmed which prevented his having any notice of the said Instruction

Since therefore the Petr hath made it appear to us, that he did actually disburse above £3000 in purchasing clearing and improving some part of the land so granted him, that he has not received any advantage from the same. That it is now impossible he should claim any benefit from the aforesd Instruction all the lands that were resumed from him being since granted out in small parcels to other persons as aforesaid

And for as much as the Petr hath been represented to us as a person who hath rendered great services to his Country in the late war and who hath upon all occasions shewn himself Zealously effected to the Succession of His Majesty's Royal Family, We humbly conceive he may be a proper object of his Majty's favour, and that an equivalent for his losses may, if his Majesty shall be so graciously disposed, be granted to him, under proper regulations in some other part of his Majesty's Plantations. We are

Sir

Your most obedient and
most humble Servants

Westmorland
J. Chetwynd
Cha: Cooke
P. Doeminique
Mart: Bladen.

Whitehall
April 12, 1720.

Secretary Craggs to the Lords of Trade.

[New-York Bundle, Cc., 4.]

Whitehall April 19. 1720

My Lords

His Majesty having been pleased to appoint William Burnett Esqr to be Governor of the Province of New York and the Territories depending thereon in America, as likewise

of the Province of Nova Cæsaria or New Jersey I desire that you will please to direct the Draughts of his Commissions and Instructions for both the said Provinces to be prepared, that the same may be laid before His Mat^{y} for his approbation

I am

My Lords

Your Lo^{ps}

Most humble Serv^{t}

Lords Com^{rs} of Trade. J. Craggs

Colonel Schuyler to the Lords of Trade.

[New-York Papers, Cc., 49.]

In New York. 27 April 1720

My Lords

Having on the 16th inst with a letter from His Excellency Brig^{d} Hunter dated the 18th February last received the following orders, To wit A Warrant under the Privy Seal to swear & admit Francis Harrison Esq^{re} one of the councill for this Province; And His Ma^{tys} order signified by M^{r} Secretary Craggs that no alterations should be made in the Magistracy but such as the Council shall think absolutely necessary and to prevent the present Assembly's being dissolved, and an other to constitute Doc Cadwalledor Colden Surveyor of Lands I judge it my duty to acquaint your Lordships that those orders were punctually comply'd with, M^{r} Harrison accordingly took his place at the Council Board M^{r} Colden has a Commission under the Seal of this Province, and a Proclamation is issued to adjourn the Assembly till the 2^{d} Tuesday in June next

As I had reason to beleive my administration in this Government would be of no long duration I was desirous to keep it in the same state it was left to me & therefore avoided perhaps more than any other person in that Station would have done, to make alterations in its officers & those few that were made I gave an account of to his Excellency on the 31st of october last as by the enclosed extract of my letter to him may appear to which I crave your Lordships Reference

And to clear myself from any misrepresentation upon this score I take leave to remind your Lordps that the Mayors of New York and Albany are (as may appear by the Minutes of Council) annually appointed on the 29th of Sept^{r} by the Governor or Commander in Cheif, and tho' they happen to be continued they must be appointed de novo and have a commission every year Nor was it ever lookt upon an alteration of it happened on the days prescribed by their Charters, As to the Mayor for this city I had no other motives in it than those hinted in the said extract, Nor no views but that the Public should be duly attended, and of him for Albany it was upon his own importunity, nor can it be suspected that I had any other inducement since he is my own son in Law & one for whome I have a great affection

As for my appointing Captain Jarratt Surveyor General of Lands in the room of Col Graham deceased I conceive myself well warranted therein for the Reasons I gave to your Lordships on the 31st of October last to which I crave your Lordships Reference

In his Excellencys said letter mention is made that it was accompanied with a Pacquet from your Lordships to me, but finding none I conclude it was either left behind, or a mistake

I embrace this opportunity to acquaint your Ldps that the Commissioners for Indian affairs at Albany did lately send an Account that one Joncure a French Interpreter & four or five more of that Nation have not only been among the five nations most part of the Winter but had also found means to appoint some Sachims that favor[d] the French Interest & that he was gone from thence to divert or obstruct the Farr nations from coming to Trade at Albany As the consequences hereof are of the highest importance to His Majesty's Interests among the five Nations and our comerce with the other Indians I have ordered two of the said commissioners thither with proper Presents attendance &c Instructions for setting the Indians Right & rectyfying those encroachments, I hope shortly to have a good account of their proceedings & in the mean time am with the Highest Regards

Your Lordships

Most humble & obedient

Servant to command

(Sg[d]) P. SCHUIJLER.

Lords of Trade to Mr. Secretary Craggs.

[New-York Entries, K., 133.]

To the Right Hon[ble] M[r] Sec: Craggs

Sir

In obedience to his Majesty's Commands, Signified to us by your letter of the 19 of the last Month, We have prepared the draughts of Commissions for W[m] Burnet Esq: to be His Majestys Capt[n] General and Gov[r] in Chief of his Majestys Provinces of New York and New Jersey, which being in the usual form We herewith transmit the same to you in order to be laid before his Majesty in Council. And we are preparing the necessary instructions for the said W[m] Burnet Esq: with all possible dispatch, We are

Sir

Your most obedient &

most humble Servants

WESTMORLAND

CHA: COOKE

T. PELHAM

M. BLADEN.

Whitehall

May 4. 1720.

Order in Council respecting Bills of Credit.

[New-York Papers, Cc., 9.]

At the Court at S^{t} James's the 19th May 1720

PRESENT— His Royal Highness y^{e} Prince of Wales.

Archbishop of Canterbury	Duke of Manchester	Viscount Townsend
Lord Chancellor	Earl of Dorsett	Viscount Cobham
Lord President	Earl of Westmoreland	M^{r} Comptroller
Lord Privy Seal	Earl of Sunderland	M^{r} Vice Chamberlain
Lord Chamberlain	Earl of Berkley	M^{r} Secretary Craggs
Duke of Grafton	Earl of Coventry	L^{d} Chief Justice King
Duke of Bolton	Earl of Hallifax	Paul Methuen Esq^{re}
Duke of Montrose	Earl of Stanhope	M^{r} Hamden
Duke of Roxborough	Earl Coningsby	Charles Wills Esq^{re}

Upon reading this day at the Board a Report from the Right Honble the Lords of the Committee for hearing Appeals from the Plantations dated y^{e} 3rd instant in the words following viz^{t}

"In Pursuance of an order in Council of the 25th of June last, referring to this Committee "a Report from the Lords Commissioners of Trade and Plantations, upon an Act passed in the "Colony of New York in December 1717, Entituled 'An Act for paying & discharging several "'debts due from this Colony to the Persons therein named, and for putting into the hands of "'the Treasurer of this Colony several quantitys of Plate to be applyed to the Public necessary "'uses of this Colony And to make Bills of Credit to the value of 41,517½ ounces of Plate "'for that Purpose'

"As also referring to this Committee the Petition of severall Merchants Trading to "New York in behalf of themselves & others praying to be heard against the said Report and "that the said Act in regard to its being of very ill consequence to the Colony & pernicious "to the Trade and Navigation of this Kingdom may be disallowed: Their Lordshipps this "day took the same into consideration & having heard council learned in the Law in behalf "of the Petitioners as in behalf of the Governor of the said Colony and in Support of the "said Act, doe upon the whole matter agree humbly to offer it as their opinion that in regard "of the Bills of credit having been made out pursuant to the said Act which have come into "the hands of Divers of His Mat^{ys} subjects for valuable considerations His Ma^{ty} will be pleased "to declare His Royal approbation of the s^{d} Act

"Nevertheless their Lordpp^{s} are further humbly of opinion that the Circular letters he "wrote to the Respective Governors of all His Ma^{tys} Plantations in America That for the future "they do not pass any law whereby Bills of Creditt may be struck or issued, or any law for "granting Monies to the Governor or any of the Council or Assembly of their respective "Provinces or other Person whatsoever without a clause inserted therein, Declaring that such "Acts shall not be in Force untill they be approved and confirmed by His Majesty:—

HIS MAJESTY in Council taking the said report into consideration was pleased to approve thereof and to confirm the said Act: And to order as it is hereby ordered that Instructions or

circular letters be sent to the respective Governors of all His Mat^{ys} Plantations in America that for the future they do not pass any Law whereby Bills of Credit may be struck or issued; or any Law for Payment of moneys to the Governor or any of the Council or assembly of their respective Provinces or other person whatsoever without a clause inserted therein, Declaring that such Acts shall not be in force untill they be approv'd & confirmed by His Mat^{y} Excepting Laws for rais^{g} & settling a publick Revenue for defraying the necessary charge of the Governm^{t} of the s^{d} Provinces accord^{g} to y^{e} Incôns given to the respîve Gov^{rs} of Such Provinces. & the LLds Comm^{rs} of Trade & Plantacôns to prepare y^{e} smê for His Ma^{tys} Royal signature accord^{gly}

ROBERT HALES.

Brigadier Hunter to the Lords of Trade.

[New-York Papers, Cc., 6.]

To the R^{t} Hon^{ble} the Lords Commiss^{rs} of Trade & Plantations

The Memorial of Robert Hunter Esq^{re}

In regard that the Revenue of New York as well as that of New Jersey will expire in twelve Months, it is humbly submitted whether it may not be adviseable that the Governor be directed by his Instructions to recommend to the Legislatures of both Provinces respectively the Settlement of a Revenue for the support of His Ma^{tys} Government & the dignity thereof, in which due care to be taken for the necessary Expences of the Council and Assembly which thing necessary of itself by reason of the great Expences of the Councillors of both the Provinces who do not live in the Citys will be otherwise of great use in putting an end to that unhappy Law in New York which was approved by the Crown by which the Members of the Assembly are paid by a County Tax & being sure of Payment that way for their own Trouble and Attendance they are careless and indifferent as to the Settlement for the necessary support of the Government for the longer that is delayed the more Sessions they have and such as have little in view besides their own Profit will probably be for delaying it longer than is safe, or convenient it should be, as has been formerly experienced & if once the Assembly men are paid in the same manner with the officers of the Government the Counties being eased of that Tax will instruct or oblige the Representatives to repeal that Law which subjected them to it, And this is knowen to be the general Inclination of the Inhabitants, & this very thing is already directed in the Instructions for New Jersey viz^{t} in the Act for the Revenue taking care that Provision be made for the contingent Charges of the Council & Assembly,

signed Ro HUNTER

20th May 1720.

Lords of Trade to the King.

[New-York Entries, K., 159.]

To the Kings most Excell: Majesty

May it please your Majesty

Your Majesty having been pleased to approve y^e^ Commissions for W^m^ Burnet Esq: to be your Majesty's Governour of New York & New Jersey in America, We now humbly lay before your Majesty y^e^ draughts of Instructions for him for those Governments which are to the same purpose as the last Gov^r^ had, except that there being two Vacancies in the Council of New York; We have added the names of John Johnston and Francis Harrison to the list of Councillors for that Province and three Vacancies in the Council of New Jersey We have added the names of John Johnson Jun: for the Eastern Division of that Province and John Reading and Peter Baird for y^e^ Western Division of the same Province they having been recómended to us as persons fitly qualify'd to serve your Majesty in that station We also lay before your Majesty the usual Draughts of Instructions relating to the Acts of Trade and Navigation

All which are most humbly submitted

J. Chetwynd
Cha: Cooke
T. Molesworth
T. Pelham
M. Bladen

Whitehall
May 31. 1720

Colonel Schuyler to the Lords of Trade.

[New-York Papers, Cc., 51.]

My Lords

On the twenty seventh of April last I gave myself the Honor to acquaint your Lordships that upon some encroachments & Innovations of the French among the Five Nations I ordered two of the Commissioners for Indian affairs at Albany to go from thence thither. I now take leave to inform your Lordships that those Commissioners are returned, & have in a great measure obtained the ends for which they were sent as by their Journal inserted in the Mñts of Council (which being compleated to this day are herewith transmitted P^r^ the ship Beaver Thos Smith Master) may appear more at large, I take further leave to recommend that Journal worthy your Lordships consideration lest the French settle & secure those passes through which the five Nations usually go to hunt, and the far Indians come to trade at Albany, & I am of opinion we may justly prevent these mischiefs since those very Lands have been given in a publique & solemn manner by the five nations to the crown of Great Brittain many years agoe

My Lords

I likewise herewith transmit to your Lordships Lists of Vessels trading inwards & outwards from this His Majesty's Plantation to other His Dominions from the 29^th^ Sept^r^ 1719 to the 25^th^ Dec^r^ following & from thence to the 25 of March last

My Lords

As affairs here are in a good posture I shall endeavor to the utmost of my power to keep them so my dayly study being to preserve the Peace & Tranquility of his Majesty's subjects in this Province & shall ever act with such caution as not to give Room for your Lordships to think me otherwise than as I am with all Due Regard

My Lords Your Lôrdps

New York
9 June 1720.

most humble & mo obedient S
P. SCHUIJLER

Journal of Messrs. Schuyler and Livingston's Visit to the Senecas.

[New-York Council Minutes, XII., 124 *bis.*]

Journall of Myndert Schuyler and Rober Livingston Jun^{r} from Albany to the Sinnekies Country to treat with the Sachims their Relateing Government affairs being thereto instructed by the Commissioners of the Indian Affairs at Albany the 23^{d} Aprill 1720

The twenty Seventh Aprill wee Left Albany and by water from Schionnectedy wee with our Attendents Arrived in the Sinnekies Castle the Twelfth of May following the 13th of May wee had a Conferrence with Sachims their at home the others being a broad it was Resolve'd to send for them and Also for the Sachims of the Neighbouring Castle Called onaghee.

The sixteenth the Sachims being come wee meet at one a Clock in the Afternoon and made the following Proposition.

Brethren

Your Brother Corlaer (who is daily Expected) not being Come from Great Brittain wee are sent from your Brother Quider who in Absence of your brother Corlaer Represents him to treat with you in Matter standing the weell fair of the whole house, wee Expected that some of the Brethern from Each of the other four Nations would have been hereto hear our Proposition but as they are not Yet Come our Message being Cheiffly to you wee hope wee here Meet much of our Brethern as will take to heart what wee propose and Shew themselves in the same Affection for the well fair of Your Country as Your Ancestours time out of mind have had so that by such Good Example your Postarety may follow your steps. Give a Belt of Wampum.

Brethren.

Your Brother Corlaer being Informed that you were Prepareing for warr against the farr Indians Severall of them being Lately Come in Alliance with him whose Yearly Correspondance in trade will undoubtedly Induce others if not all the rest of those Nations to follow their stepts if not stopt by warr against them or by the french Interest to hinder their Comeing if any of Your Men are still Resolved to fight them wee Expect That your Influence on them will stop their Design it being the Design of your Brother Corlaer that you bury the hatchet not only against all the farr Indians but also those to the South ward in Alliance with the English governments Whilst the King of Great Brittain &^{a} by this is thought to be in

Peace with all men so that you are to make friends now in stead of Enemys Which will not Render You a Comfortable and Quiet Life but Increase Your Nations in time of peace and you will Observe that the Continuance of peace with them farr Nations with Your Earnest Endeavours to Draw them more stead fast in Alliance with us will prove profitable to you in Commerce with them in passing and Repassing through Your Nations. Give one Large Belt of Wampum.

Brethren.

It is with much Concern that your brother Corlaer understood that the french offer'd to Erect Buildings at Jerondoquitt but to their better end Leaveing them that are now buissey at Onjagerae which ought not to be Consented to or admitted by the Brethren Especially so near by you Cannot have forgott that the brethren of the five Nations about 22 years agoe to secure their Lands and hunting Places westward of them (Least others might Incroach on them) Assign'd Tonsagroende and those other places which the french now Endeavours to take Possession of) To the Crown of Great Brittain to be held for you and Your Posterity it must be that some of you not well Affected have granted Leave to the french to take Possession of Tonsagroende a vast Country an your main hunting place where now several french families are setted a fort Erected and a Garrison posted and they are now buissy at onjagera which in a Manner is the only gate you have to go through towards your hunteing places and the only way the farr Indians conveniently came through where Jean Coeurs with some men are now at work on building a block house and no Doubt of a Garrison by the next Year whereby you will be so Infenced that no Room will be Left for you to hunt in with out Liberty wee know that in warr time they could neer over come you but these proceedings in building so near may be their Invented Intrigues to hush you to sleep whilst they take possession of the Heart of your Country this is Plainly seen by us therefore desire you to Consider it rightly and sent out to spy what they are doing at onjagera and prohibite Jean Coeur building there for where they make Settlements they Endeouour to hold it so that if he takes no notice thereof after given in a Civill way further Complaints may be made to your brother Corlaer who will Endeavour to make you Easy therein. Give one belt of Wampum.

Brethren

If any Difference happens amongst You as that the Last winter when by the Influence of the french Interpreter Jean Coeur you referred to the Governour of Cannida whether you should go out Against the flattsheads or Not wee must tell you that your Brother Corlaer Desires and Expects that for the future you will Live unitedly and in good friendship with your Allies and not Resent small Differences that may happen between you and that You in such Cases must apply to your brother Corlaer who at all times has and will Derect you on the Right way to avoid Deference so that you may Live in peace and Quietness together. Give a Belt of Wampum.

Answer made by the Sachims of the Sinnekis being joyned with some of these from Onaghee the 15th of May 1720

Brother Corlaer

Wee have heard your proposition this forenoon and you have there after Desiered us to Considerit Rightly but as them four Sachims sent here from the others of Onaghee seen not free in their Opinions wee have thought fitt they should go back to Consult with the Rest of

the Sachims their on the subject of your Proposition so that You'l, be oblidged to tarry four nights Longer before wee Can Resolve you our Opinions wee are Loath to Presume to answer it a lone therefore to prevent Reflections chose rather To advise with the most wise men of the other Castle onaghee so that you may have an answer from both Castles

The 17th and 18th nothing of moment happen'd

The 19th in the Afternoon the Sachims of this Castle desired us in their meeting when came their they Informed us that by Intilligence from way anhal now here (his uncle being gone Round to trade in Albanie whose Return he waits for) they are told that the farr Nations are Numerous in men in Allience with severall other Nations their abouts have Resolved to fight the five Nations and Plunder all the other farr Indians in Allience with us if they over take them or meet them in their way hither and that they propose to be near these parts by that time the Indians Corn is about two foot hight growne and that the friend Indians their in Allience with us were Resolved before tho others move'd to Come and give their Assistance to ye five Nations. Whereupon without Advice the Sachims here have sent notice to the rest of ye five Nations Desireing the Young men now Ready to go out afighting to stay home and watch the motion of ye Enemy if any approaching.

Answer made by the Sachims of the Sinnekies Cayouges and Oneyde and in behalf of the Mohoggs & onnondage Sachims. In Sinnondowaene the 22d Day of May 1720

Brother Corlaer & Quider

You came unexpected though wee are now satisfyed you have taken the usuall Method by sending seven hands of wampum from the Mohoggs Castle to acquaint us of our Comeing that Lodgeing by the way you are in no Neglect, You have told us that our brother Corlaer was not Yet Return'd and that you ware sent from our Brother quider and that whilst the Sachims from the other four Castles where then not Cume to hear your proposition you ware in hopes to Meet such here as would heartily affect the welfair of the whole house We Joyntly do Assure you that wee behold the same affection as our predecessours have had and do promise to shew our selves heartily inclin'd for the Intrest of the whole house and Continue stead fast in the Covenant with our brother Corlear not Doubting but your prosterity will follow such an Example. Give a Belt of Wampum

Brother Corlaer & Quider

You have told us that you was Informed that wee ware prepareing to warr against the farr Indians and that severall of them were in Alliance with you by which means that friendship might breake of that therefore you Desired us to bury the hatchet not only against those Indians but the other Indians to the Southward in Alliance with the English Government Wee owne that some of our Young Men had a Designe that way but now wee will harken to your Advice And Do assure you that none of our men shall go afighting against Indians to the Southward in alliance with the English governments and they may Depend that wee nor none of ours shall no ways molest them till they trouble us first neither shall any of our men go out Against any of the Farr Indians whilst they remain in Peace with us and wee do further Assure you that wee will use all fair means to Keep peace with them and Endeavour to Encourage them this way to wards Albany so that wee may have the benifitt of their trade. Give a Belt of Wampum.

Brother Corlaer & Quider

You have told us that you were Informed the French were building a house at Onjagera which As you perceive will prove prejudiciall to us & You, Its true they are Either yett building or it is finished by this time wee do owne that some Years agoe the five Nations gave Trongsagroende Ierondoquet & onjagera and all other hunting Places westward to y^e^ Crowne to be held for us and our prosterity Least other might Incroach on us then wee also partition the hunting Places between us and the french Indians but since then they are gone farr within the Limits and the french got more by setling Trongsagroende and we must Joyne our Opinion with yours that if wee suffer the french to settle at onjagera being the only way to ward hunting wee will be altogether shut up and Debarred, of means for our lively hood then in deed our Posterity would have Reason to Reflect on us there fore to beguin in time wee will appoint some of our men to go thither to onjagera and Desire you to send one along so that in the Name of the five Nations Jean Coeur may be acquainted with the Resolive of this Meeting and for biden to proceed any further building but ordered to take down what's Erected Give one Belt of Wampum.

Brother Corlaer & Quider

You have Desired that what Ever any matters offered tending to the prejudice of us that wee ought not to Consult the hater meaning the Governour of Cannada in such affairs but advise with you wee Return you thanks for your Advise and promise that if any matter standing to our Prejudice happens we will only Consult and Advise with you there on but Desire you'l, not be slack in you Assistance as formerly whe wee Required it So much that wee were Oblidged to fly for it for want of help at that time when the french burned Down our Castles and Destroyed our Corn therefore Lett us always Lye in your thoughts and act the Brotherly part in giveing Assistance when Its needfull which wee promise shall not be wanted on our side to you. Give a Belt of Wampum.

After they had Done wee by a Belt of Wampum Desired that Kajnquiractiton Aliaes Blew beck ought to be Restored a Sachim again which they accepted and was Restored accordingly the 23 wee Left the Sinnekies Castle and the twenty fourth Lawrance Clase Interpreter was to set out with the Appointed Indians for Onjagera

MYNDER SCHUYLER
ROB^t^ LIVINGSTON Jun^r^

Albany the 3^th^ June 1720

Mr. Horace Walpole to the Lords of the Treasury.

[New-York Papers, Cc., 13]

My Lords

In my Memorial of June last I gave your Lordships a general Acc^t^ of the arbitrary proceedings of the Assembly of New York in taking into their own Hands the sole management of the Revenues raised for the support of His Mat^ys^ Civil Goverm^t^ & entirely excluding the officers of the Crown constituted by His Maty's Letters Patents for that purpose from any concern therein contrary to the ancient practice & natural dependance that Colony ought to have upon the Government there; And having since that time gott a fuller information of the

several steps by which they arrived at this extraordinary power in defiance of His Maty^{s} Prerogative, I beg leave to lay a Statement thereof before your Lordpps, as it appears from the accounts I have lately received from those Parts

It had been the usual Custom of this Province as well as the other American Colonies to settle a certain Revenue for the support of the civil Government, and agreeable thereto the Assembly of New York did in October 1692 Establish a Revenue for that purpose which was constantly received Audited & accounted for by Officers under His Majesties Letters Patents, wch was continued in the same manner by several subsequent Acts for many years. But in the year 1705 the Assembly suspecting a misapplication of the money they had given from time to time for the defence of their Frontiers & other extraord^{ry} uses refused to raise any more on that account unless they might be allowed to put it into the hands of a Treasurer of their own appointing but my Lord Cornbury the then Governor not consent^{g} thereto without first knowing Her Ma^{tys} pleasure, orders were sent to His Ldp from the Board of Trade to permit them to name their own Treasurer when they raised extraordinary supplies for particular uses, & which were no part of Her Mat^{y} constant & standing Revenues

Upon the Expiration of the Revenue for the support of the civil Governmet in May 1709 the Assembly further insisted upon the nomination of their own Treasurer even for what they should give for that purpose as a principal condition of their granting a Revenue

The Lord Lovelace who succeeded the Lord Cornbury as Gov^{r} in 1708 dying just before the determination of the last Revenue, Colonel Ingoldsby the Lieut Governor consented that all the money given by the Assembly should be lodged with their country treasurer reserving the settlement of the Revenue to the succeeding Governor. Brig^{dr} Hunter the present Gov^{r} arriving in 1710 appl^{d} himself accordingly with all possible address to procure & settle a Revenue but the Assembly resolving to inlarge their power, not only demand the nominat^{n} of a Treasurer but the appointment of all officers necessary to the Collection & management of the Revenues to the utter exclusion of the crown officers, & likewise of all the Salaries not excepting the Gov^{rs} to be issued by Acts of Assembly

These demands so injurious to the Prerogative were rejected by the Governor as contrary to the established method and practice of this Colony and as being directly opposite to the 32^{d} Article of his instructions which expressly say "You are not to suffer any Publick monies "whatsoever to be disposed of otherwise than by Warrant under your hand by & with the "Advice of the Councill"

Brigadier Hunter resisted these Illegal and arbitrary proceedings for several years till after frequent dissolutions of the Assembly & finding no effectual remedy applied from home he gott the present Assembly chosen about $\frac{17}{17}\frac{14}{15}$ who consented that the Governor should appoint all the other officers except the receivers and that the Revenue should be issued by Warrants signed in Council as His Mat^{ys} Instructions direct upon a tacit condition that it should be in such proportions and to such officers, & such other uses only as they should ascertain in their Journal, by which means the real effect of the Instructions in Relation to the Revenues of the Crown are entirely evaded for by the above 32^{d} article the assembly have no other power granted them in the disposition of the Revenue than to be permitted from "time to time to "view and examine the Acco^{ts} of money or value of money disposed of by virtue of Laws "made by them

I can not forbear taking notice to your Lordps of the clause in the act for discharging several debts of that Colony &c which was confirmed in Council here in the year 1715. whereby the

Receiver General of the Crown was dispossessed of his office by a Quirk in words not then taken notice of because I suppose they seemed at the same time to show a regard to His Majesty's Prerogative in constituting such an officer; the words are these

"And be it enacted &c that all monies whatsoever raised or accruing by virtue of any Act "or Acts of General Assembly of this Colony made or to be made for and towards the support "of the Government of this Colony, and by the said Act or Acts appointed & directed to be "lodged in the Hands of the Receiver General for the time being appointed or to be appointed by "Her Majesty Her Heirs or Successors shall be issued &c"

By which words its plain that unless the money raised by Act of Assembly for the support of the civil Government be appointed and directed by the said Act to be lodged in the Hands of the Rec^{r} appointed by His Majesty, the said Rec^{r} is entirely excluded from the Receipt of it, & the Assembly having taken care that no such appointment or direction should be given, but directing the money raised for that service into the Hands of a Treasurer of their own originally Constituted for other purposes the officer of the Crown has ever since been & continues to be effectually dispossessed of his office

Having thus gott the entire Receipt & disposition of His Majestys Revenue into their own power they resolve to dispose of it to their own advantage & accordingly have given to each member of their Assembly ten shillings a day for two long Sessions past, & will probably continue to do the same from year to year as they pass the Revenue Bill; notwithstanding which no steps had yet been avowedly taken to dispossess the Auditor of his employment and to prevent a regular account being laid before your Lordships of the disposal of the money raised for His Mat^{ys} use, but in settling of the Fees & Salaries of the Respective Officers of the Crown the artfully took no notice at all of the Auditor imagining I suppose that no account would be demanded by an officer when his antient & established ffees were not to be allowed him; but upon my succeeding M^{r} Blathwayt as auditor of the Plantations in the Year 1717 having pursuant to my letters patents appointed a deputy in New York & sent instructions to him to require of M^{r} D' Peyster the country Treasurer in whose hands the money raised for the Government was lodged an account of the disposition & application thereof to be laid before your Lordships & my Deputy having accordingly frequently repeated his instances in that behalf without demanding any ffees for his trouble, he at last received such an answer as I can't better express than by transcribing his own words which are as follow

New York 24 July 1718

Sir

I received yours this day I know you are a Gent so well acquaint^{d} with the affairs of the Treasurer that he is accountable to the Gov^{r} Council & General Assembly which he is ready to do at this time or when it shall be required, and this is what I gave for answer when you was pleased to speake to me about the affaire before. I am &c.

the frequent application of my Deputy having allarmed the Assembly and made them apprehensive that the money they had raised for His Mat^{ys} use should be accountable to His Mat^{y} & your Lordships they attempted to enact in a Bill past last year for continuing the Revenue a clause that their Treasurer should be accountable to the Gov^{r} Council & Assembly and no other which words & no otherwise, the Governor M^{r} Hunter could not consent to, and it was with great difficulty he prevailed to have them struck out not withstanding they were directly contrary to the 30 Article of his instructions which says "You are not to permit any

Clause whatsoever to be inserted in any Law for Levying money or the value of money whereby the same shall not be made liable to be accounted for unto us here in Great Britain & to our Comm^rs of the Treasury

However they would not let this matter stop here for my Deputy having continued to apply himself to the Treasurer for to examine and Audit his Accts & receiving evasive answers & at length an absolute refusal upon enquiry into the grounds of this conduct he at last found out that the General Assembly before they broke up came to a resolution a Copy whereof he procured out of their Journals "That the Treasurer of this Colony for the time being shall "account with the Governor Council & General Assembly, & not with any other person or "persons whatsoever

Your Lordships will easily judge that this resolution could be calculated for no other end but to keep the money given for the use of the civil Government entirely in their own power without giving any account of the application of it to his Mat^y & your Lordships & according the Treasurer of the country perseveres in refusing to lay his accounts before my deputy in defiance of His Mat^ys Prerogative and your Lordships authority being supported by no law or reason for so doing but only by a particular resolution of the Assembly for that purpose

I must leave it to your Lordships consideration what remedy may be proper to be applied to these exhorbitant proceedings but I humbly submit it whether or no something of effectual weight should not be immediately done to express a just resentment against the Treasurers behavior, and to oblige him forthwith to render to me or my Deputy a full account of the disposal of all moneys that has been given for the use of the Civill Government that have come into his hands, as also to let the Assembly know in the strongest manner that it is expected for the future that the receipt disposition & Audit of all such moneys should return to their antient channell, especially since I am informed that M^r Burnett lately appointed to be His Majesty's Gov^r of New York is preparing for his departure thither

June 28. 1720. Sg^d H WALPOLE

Minute of the Board of Trade respecting New-York and Virginia.

[Journal, XXX., 239.]

Whitehall Thursday July the 7^th^ 1720.

At a meeting of His Majesty's Commiss^rs for Trade and Pantations.

PRESENT— Earl of Westmoreland — M^r Doeminique
Sir Charles Cooke — M^r Pelham
M^r Bladen

Brigad^r Hunter late Gov^r & M^r Burnet, the present Gov^r of New York & New Jersey attending, the Copy of the letter from Col^o Spotswood Lieut Gov^r of Virginia to Col^o Schuyler President of New York, relating to the 5 Nations of Indians bordering upon New York, as mention'd in the minutes of the 6^th^ Inst. was communicated to them;[1] Whereupon Brigadier Hunter acquainted the Board that when Col^o Spotswood was with him at New York, he had

[1] Colonel Spotswood's Letter to Colonel Schuyler is printed at length in *Pennsylvania Colonial Records*, III., 82 *et seq.* — ED.

represented to Col° Spotswood the Inconvenience of insisting on punctilios with those Indians; And he now further informed their Lordships that Albany was the Place where the said Indians us'd to meet, and treat with the English, and that when he had occasion to settle any thing with them, he the said Brigadier, as likewise the former Governors, particularly the Lord Howard many years ago were oblig'd to meet them at Albany.—That the far Indians as they are call'd, and those on the Frontiers of Virginia and some other of His Majesty's Plantations, are the Indians with whom the Five Nations have been at all times in War—And the Brig[r] observ'd, that the said Five Nations being of a warlike Disposition, it was well they engag'd against other Indians for that othewise His Majesty's subjects wou'd probably suffer by them—That the said 5 Nations promis'd him not to molest any Indians who are tributary to His Majesty in any of His Governments; But that they expected a Declaration what Indians were tributary or protected by the British Governments; And he said it wou'd be proper the Assembly of Virginia shou'd be at some small Expence, and send Deputies & some of each Nation of their Indians with a Belt of Wampum, to establish and confirm a friendship between them and the 5 Nations.—That the source of these Differences is the Emulation about the Fur Trade carried on with the Indians from Carolina; Virginia; New York and other His Majesty's Plantations.—That at his the said Brigadier's Request, the 5 Nations sent out a Body of Indians against those who were lately at war against Carolina which occasion'd the immediate conclusion of that Peace.—And as to the Complaints of the Virginia Indians he said he believ'd they made more of it, than the damage or insult really was.—That most of the Robberies & Mischiefs which did happen, were owing chiefly to some loose straggling Indians of the Five Nations who joyn'd the Tuscaruros—Brigadier Hunter being particularly ask'd concerning some places to be appointed on the Frontiers for the Indian Trade. He said that for the Province of New York, the City of Albany was the place appointed for the Indians to bring their Furrs &c[a] and the Dealers to barter and trade with them there:—That many inconveniences & complaints which arose by particular persons going to Trade amongst the Indians, were prevented by a fix'd Market place, and the Magistrates having Instructions to cause immediate justice to be done upon any Differences that arose.

Colonel Schuyler to the Lords of Trade.

[New-York Papers, Ce., 54.]

My Lords

On the 9[th] of last month I not only sent your Lordships a Journal of the two Gentlemen which were sent from Albany to prevent some encroachments of the French but took leave to recommend that affair to your consideration

And as our Indian Interpreter with the three Sinnichees Sachims, which those commissioners sent to the place where the French have erected their House are since return[d] I think It my duty to send herewith a copy of his Journal

I again take leave to recommend this as well as the former to your Lordships consideration that not only a regard may be had to it upon settling the Boundaries betwixt the two Colonies but that the Court of France may enjoyne the Governor of Canada to demolish the building

complained of & not to make such attempts for the future for tho' they call it only a trading house its evident they must have a further view it being a Pass through which the five Nations Generally go to hunt & the farr Indians come to trade at Albany & if they should be permitted to get footing there it might prove of fatal consequence to His Majesties settlements on this Continent in general tho' more immediately to this Province

I have formerly observ[d] this to your Lordships and that that very land has in a Solemn manner been given by the five Nations to the Crown of Great Britain many years ago, of my part I shall not fail to write upon this subject to the Governor of Canada by the first opportunity tho' I am doubtful of the success.

As the affairs of thes Province, are in a perfect Peace & tranquillity so it shall be my study & Care to preserve them in the same good posture untill the arrival of his excellency In the mean while I remain with the highest regard My Lords

New York — Your Ldsps mo. humble St.
July 13. 1720 — P Schuyler

Journal of Lawrence Clawsen's Visit to Niagara.

Journal of Lawrence Clawsen Interpreter from the Sinnekies Country to Octjagara pursuant to the Instructions from Myndert Schuyler & Robert Livingstone Jun[r] Esquires dated in the Sinnekies Country the 22[cd] May 1720

On the 24[th] of the said month I set out with three Sachims of the Sinnekies in order to go to Octjagara where we arrived on the 30 D[o] & on the 31[st] I on behalf of the Sachims told a French Merchant who was there in a house of Forty Foot long and thirty wide with two other French, that I was sent to accompany the said Sachims and to tell you that the five nations have heard that you are building a house at Octjagara and the said Sachims having considered how prejudicial that a French Settlement on their Land must consequently prove to them and their Posterity (if not timely prevented) wherefore they have sent me and them to acquaint you with their resolution that it is much against their inclination that any buildings should be made here and that they desire you to desist further building and to leave and demolish what you have made

The French Merchant answered that he had leave from the young fighting men of the Sinnekis to erect a House at Octjagara and would not demolish it before he did write to the Governor of Canada his Master who had posted him there to trade for him and not before he receiv[d] his orders for so doing

The said three Sachims said that they never heard that any of their young men had given such leave for making any building at Octjagara

On the 7[th] of this Ins[t] [I returned] to Tjeroudequatt where I mett a French Smith sent by the Governor of Canada to work for the Sinnekies gratis he having compassion on them as a father on his children knowing they wanted a smith since they have lay'd out a New Castle and that three French Canoes loaded with goods went up to the trading house at Octjagara. The same day I went to the Sinnekies Castle and desired the Sachims & young Captains to convien together

who when met I repeated to them in the presence of Jean Coeur the French interpreter what I told the French Merchant at Octjagara and his answer to me on which the Sachims & young Captains say'd that the French had built the House at Octjagara without asking any of them leave and desire that their brother Corlaer may do his endeavour to have y^e^ said House demolisht that they may preserve their Lands and Hunting or to write to the Governor of Canada that he may order his people to do it and that they may be acquaint^d^ with such answer as the Governor of Canada may send on this their reasonable request

The said Jean Coeur the Interpreter interrupted me when I repeated the above Speach to the Sachims of the Sinnekies and young Captains and sayed you endeavour to have the House at Octjagara demolished only because you are afraid that you will not get any trade of this Nation and the farr Indians for when wee have and keep a house and people there Wee can stop all the Sinnekies & farr Indians but not that you are afraid that wee shall keep the Land from this Nation

Whereon I made answer that the French make the settlement at Octjagara to encroach on the five Nations to hinder them of their hunting and debarr them of the advantage they should reap by a Free passage of the Farr Indians through their Castles and in hopes to impose on the said Nations by selling them Goods at an extravagant Rate as for a Blanket of Strouds for 8 Beavers a White blanket 6 and other Goods proportionably whereas they may have them at Albany for half which the said Indians affirmed to be true.

A true Copy examined p^r^

Albany 17^th^ June 1720. PHILLIP LIVINGSTONE D: Sêcry: for the Indian affairs

Minute of Brigadier Hunter's Attendance on the Board of Trade.

[Journal XXX., 257-261.]

Whitehall, Wednesday 20^th^ July 1720.

'At a meeting of His Majesty's Commiss^rs^ for Trade & Plantations.

PRESENT—	Earl of Westmorland	M^r^ Doeminique
	M^r^ Chetwynd	M^r^ Pelham
	Sir Charles Cooke	M^r^ Bladen

New York
New Jersey
&c

' Brigadier Hunter late Gov^r^ of New York & New Jersey attending, as desir'd, their Lordships had some discourse with him on the subject of his Memorial, and that from M^r^ Burnet, mention'd in the Minutes of the 24^th^ of the last Month relating to the settlement of a Revenue for the support of the Government in those Provinces; And Brigadier Hunter being ask'd sev^l^ Questions on this subject, He said, in relation to New York, That the present Revenue there arises by Duties upon Rum, Negroes, Madera Wines &c^a^ imported, and upon foreign Vessels trading there;—That the Trade of the Province in those & other Commodities daily increases; And the said Commodities are rather cheaper than before the Imposition already laid on them.—And that the number of People likewise increases;—That as to the Annual charge of the Government of New York, which may amount to about 4,000£ per

annum the particulars wou'd appear to their Lordships by the Minutes of the Council of that in Province to which he referr'd; There being as he said, no money paid but by warrant enter'd the Council Books—That as to the Charge or Expence of the Members of the Council & Assembly the former had no settled Salary, but always claim'd an allowance as well as the Assembly, in proportion to the Number of days they attended the Publick Service in a Legislative Capacity, tho' that Allowance was never paid them before the passing the two late Acts for paying the Publick Debts of the Province;—That the Assembly are usually paid by a standing law of the Province, confirm'd by the Crown, but being by a County levy there are several Inconveniencies attending it, and often a Delay of the Public Service, so that it were to be wish'd that law were repeal'd according to the Desire of the Generality of the People of New York, and the Assembly paid as other officers of the Government, out of the Imposts on the Consumption of several goods &c[a] as they were upon occasion of the said Acts for paying the Publick Debts, which wou'd be less felt by the people than by a County Tax.—That during his Government he did not consent to any Bill whereby the Revenue was particularly appropriated, thô he took care to issue the same conformable to the Resolves of the Assembly.—Brigadier Hunter being particularly ask'd concerning the Quit Rents of New York, he said, they were inconsiderable not being above 500£ per annum at most, out of which the Receiver, who has a Patent durante bene placeto, pays himself;—That the occasion of the Quit Rents being so small was, that very large tracts of land had been granted away by former Governors (before they were Instructed to the contrary) without the reservation of more than a pepper corn, thô there is 2[s] & 6[d] reserv'd as Quit Rent for every hundred acres granted there of late: Brigad[r] Hunter added, That there is at present carry'd on a Trade from New York to Canada of about 10 or 12000£ per annum in Duffles & other goods proper for the Indians, which he is apprehensive will be prejudicial, by their selling cheaper to the French than our other Traders; And their Lordships agreed to send him a Copy of the several Queries lately sent to His Majesty's several Governors in America for his answers thereto.

Brigadier Hunter to Secretary Popple.

[New-York Papers, Cc., 12.]

London y[e] 26 July. 1720.

Sir

I have the honour of yours with a Copy of a Petition from Wyser and other Palatines with their Lordp[s] commands relating to it

Such of that people as were sober & industrious remain on the Lands where I settled them at first & which I was obliged to Purchase for them on Hudsons River for the ends proposed by those who sent them Viz[t] the manufacture of Naval Stores; these are well inabled to subsist themselves the rest have been wanderers. About forty Familys of them went and took possession of Lands granted to several persons at New York and Albany against repeated orders: In compassion to the innocent women and children I prevailed with the Proprietors of these Lands to make them an offer of the Lands free from all rent or acknowledgement for ten years & ever after at a very moderate Quit Rent. The Majority accepted of the conditions

but durst not or could not execute the agreem[t] for fear of the rest who had been tampering with the Indians who had resigned their claims to their Lands to the Crown, but I have some reason to beleive that in the mean time it is compleated or speedily will be so

Their Lordships know that all the Lands of any value were granted away before my Administration There is still a great Tract of Land but very remote on the Frontiers formerly graunted to Domine Dellius of Fifty miles square & resumed by Act of Assembly which may be graunted to them, if they are willing to transplant themselves thither In a body so as they may be secure from the attempts of the French Indians their nearest Neighbours, but their neighbourhood with our Indians has given much trouble & may give more. If their Lordships think fit to make them an offer of that settlement a letter to the present Governor for that purpose will do the thing & free their Lordships from further trouble if they are willing to accept of the offer but

Query how far such grant may avail them until his Majesty has approved of the Naturalization Act or whether the Gov[r] can grant them letters of Denization to enable them to hold Lands, there being no such powers mentioned in his letters patent. I am with the greatest respect

Sir

Your most obedient
humble Servant
Sg[d] Ro Hunter.

Petition of the New-York Palatines to the Lords of Trade.

[New-York Papers, Cc., 11.]

The Case of the Palatines, and others Germans, in the Province of New York in America sheweth.

That, In the year 1709. The Palatines, & other Germans, being invited to come into England about Four Thousand of them were sent into New York in America, of whom about 1700. Died on Board, or at their landing in that Province, by unavoidable sickness

That before they went on Board, they were promised, those remaining alive should have forty acres of Land, & Five pounds sterling p[r] Head, besides Cloths, Tools, Utensils & other necessaries, to Husbandry to be given at their arrival in America

Not true vide contract.

That on their landing their they were quartered in Tents, & divided into six companies, having each a Captain of their own Nation, with a promise of an allowance of fifteen Pounds per annum to each commander

No promise but allowance made.

That afterwards they were removed on Lands belonging to M[r] Livingstone, where they erected small Houses for shelter during the winter season

That in the Spring following they were ordered into the woods, to make Pitch & Tar, where they lived about two years; But the country not being fit to raise any considerable quantity of Naval Stores, They were commanded to Build, to clear, & improve the ground, belonging to a private person

That the Indians hav^{g} yielded to Her late Ma^{ty} of pious memory a small Tract of Land called Schorie for the use of the Palatines, they in fifteen days cleared a way of fifteen miles through the woods & settled fifty Families therein

That in the following Spring the remainder of the said Palatines joined the said fifty families so settled therein Shorie

utterlie false

But that country being too small for their encreasing families, they were constrained to purchase some Neighbouring Land of the Indians for which they were to give Three hund^{d} pieces of Eight

Agt Acts not knowen it

And having built small Houses, & Hutts there about one year after the said purchase some gentelmen of Albani, declared to the Palatines, that themselves having purchas^{d} the said country of Schorie of the Gov^{r} of New York they would not permit them to live there, unless an agreement were also made with those of Albany; But that the Palatines having refused to enter into such an agreement, A Sheriff & some officers were sent from Albany to seize one of their Captains, who being upon his Guard; The Indians were animated against the Palatines; but these found means to appease the Savages by giving them what they would of their own substance.

That in the year 1717 the Governour of New York having summoned the Palatines to appear at Albani, some of them being deputed went thither accordingly, where they were told, that unless they did agree with the Gentlemen of Albany, the Governor expected an order from England to transport them to another place, And that he would send twelve men to view their works & improvements to appraise the same & then to give them the value thereof in money

But this not being done the Palatines to the number of about three Thousand, have continued to manure & to sew the Land that they might not be starved for want of Corn & food

Fictions of Proprietors

For which manuring the Gentlemen of Albani have put in prison one man and one woman, & will not release them, unless they have suffic^{t} security of One Hundred Crowns for the former

knows not.

Now in order that the Palatines may be preserved in the said Land of Schorie, which they have purchased of the Indians, or that they may be so settled in an adjoining Tract of Land, as to raise a necessary subsistance for themselves & their families, they have sent into England Three Persons one of whom is since dead humbly to lay their Case before His Maj^{ty}, not doubting but that in consideration of the Hardships they have suffered for want of a secure settlement, His Majestys Ministers and Council will compassionate those His faithful Subjects;

Who, in the first year after their arrival willingly and cheerfully sent Three Hundred men to the expedition against Canada, & afterwards to the Asistance of Albani which was threatened by the French and Indians, for which service they have never received One Penny tho' they were upon the Establishment of New York or New Jersey nor had they received one Penny of the five pounds per head promised at their going on board from England Neither have their commanders received anything of the allowance of fifteen pounds per Annum, and tho' the arms they had given them at the Canada expedition which were by special order from Her late Majesty, to be left in their possession, have been taken from them, yet they are still ready to fight against all the enemies of His Mat^{y} & those countrys whenever there shall be occasion to shew their hearty endeav^{rs} for the prosperity of their generous Benefactors in England as well as in America

true.

not true

Therefore they hope from the Justice of the Right Hönble the Lords Commissioners of Trade and Plantations, to whom their Petition to their Excellencies the Lords Justices has

been referred That they shall be so supported by their Lordships Report, as to be represented fit objects to be secured in the Land they now do inhabit or in some near adjoining lands remaining in the right of the Crown in the said Province of New York

And they shall ever pray as in duty bound &c

2 Aug: 1720.

Brigadier Hunter to Secretary Popple.

[New-York Papers, Cc, 38.]

London 11 Aug 1720

Sir

I herewith return you the paper containing the questions sent by their Lordships order to which have made such answers as I am capable of making at this distance but far from being so satisfactory as may be had from the Provinces themselves & those on the spott. I should not have sent it in this Pickle had not their Lordships required a speedy answer, and I under a necessity of leaving the Town this morning my father & mother in Law going to the bath with part of my family whither I doubt I must also speedily repaire for my health.

I am with great Respect

Sir

Your most humble &

Most obedient Servant

(Signed) Ro. Hunter

Brigadier Hunter's Answers to Queries relating to New-York.

[New-York Papers, Cc., 38.]

Queries to Brigadier Hunter.

Queries	Answers
1. What is the situation of New York the Nature of the Country its Longitude & Latitude?	1. The City of N York is in the Lat. 40^{d} 38^{m} Longitude not certain for want of Artists & instruments fit for observing the Eclipses.
2. What are the reputed Boundaries thereof.	2. Its boundaries East a parallel twenty miles dist^{t} from Hudson River To the West the N. Jersey Patent here on Record must determine. The French place it in 303 long: after their method of computing the English 48 westward from Pico in the Azores
3. What is the Constitution of the Government	3. The Governors Patent & Instructions determine that question

Queries	Answers
4. What is the Trade of the Colony the number of Shipping their Tonnage & the number of Sea faring men with their Respîve Increase or diminution?	4. The Naval Officers account kept in the exact order prescribed to them & approved by the Comm^{rs} of Customs will answer this more fully than I can, only in General their Trade & consequently their shipping & mariners are considerably increas'd of late years. Their Export is chiefly Furrs, Tar & Pitch whale oyle & bone for England. Flower Pork & other provisions to the Southern Islands Horses to Surinam or Curazo & S^{t} Thomas
5. What quantity of Sorts of British Manufactures do the Inhabitants Annually take from hence?	5. The Custom House Books will inform their Lordships best upon this point
6. What Trade has this Province with any foreign Plantation or any part of Europe besides Great Britain How is that Trade carryed on what commodity do the people there send to or receive from Foreign Parts	6. Very little Trade with any foreign Country or Plantation chiefly with S^{t} Thomas Curazo & Surinam no returns but Gold or Silver at least that are avowed & discovered.
7. What methods are there used to prevent illegal Trade and are the same effectual?	7. Seizures & confiscations upon discovery, but the officers being frighted with appeals to y^{e} Admlty here under which they have been great sufferers I doubt will not be so exact for the future
8. What is the natural produce of the Country Staple Commodities and manufactures?	8. Corn, flower, Tar, Wale Oyle, Pork but no sort of Manufacture that deserves mentioning.
9. What Mines are there.	9. Iron enough, Copper but rare, Lead at a great distance in the Indian Settlement, Coal Mines in Long Il^{d} but not yet wrought
10. What may be the annual produce of the Comôdities of this Province?	
11. What is the number of inhabitants, Whites & Blacks?	
12. Are the Inhabitant increased or decreased of late & for what reasons?	12. The Inhabitants increase day chiefly from New England & of late from the North of Ireland.
13. What is the number of the Militia.	13. About Six thousand.
14. What Forts & places of defence are there	14. The Forts of N York, Albany, Schonectady & Fort Hunter in the Mohoks country, but no place of defence. That at New York is a fort of 4 regular Bastions 50 Guns mounted, Faced with Stone with neither Fossee nor out works, the rest are barely Palisadoed

Queries	Answers
15. What number of Indians are there & how are they inclined?	15. Our Indians called y^e^ Five nations are very well inclin'd more considerable by their reputation & situation than from their numbers, not making in all above 2000 fighting men besides y^e^ River Indians who are under their command
16. What is the Strength of the neighbouring Indians?	16. More numerous but less considerable than ours for the reasons above
17. What is the Strength of the Neighbouring Europeans?	
18. What effect have the French Settlements on the Continent of America upon His Mat^ys^ Plantations?	18. A General dread of the consequences but no other effect as yet
19. What is the Revenue arising within that Governm^t^ & how is it appropriated?	19. The Act of Assembly which settled it expires in June next, & being with their Lordships will answer this. There is no appropriation in the Act the minutes of Assembly at that time will shew in what maner it was to be & punctually has been appropriated.
20. What are the ordinary & extraordinary expences of the Government?	20. The Resolves above mentioned will shew the ordinary expents, the extraordinary being casual, for Gratifications to Indians & other expresses, Journies by Land & water, can not be ascertained
21. What are the establishments of Civil & Military within that Government & what officers hold by Patent immediately from the Crown.	21. The ordinances & Acts of Assembly for settling a Militia will best answer this. There is a supreem Court at New York held by a Chief Justice & second judge who goes Circuits also through all the Several Provinces, there is besides in each County one Judge & three or more assistants Justices of the peace in number proportionable to the extent of the Country one Sherif for each Coroner and Constables. The Citys of New York, Albany & Westchest^r^ have their resp^ive^ Mayors & Aldermen & Common Council. The Sec^y^, Attorney General & Receiver Gên^l^ are all the Offices held by Patent in that Government.

Colonel Schuyler to the Lords of Trade.

[New-York Papers, Cc., 55.]

New York 11th Aug: 1720

My Lords

After I gave myself the honor to write to your Lordships on the 13th of the preceding month whereof I enclosed Goes a Copy The Gentlemen of His Majestys Council for this Province were of opinion with me that there was a necessity for my going up to Albany, in order to renew our Covenant with the Five Nations there, & not only to Studdy in His Majestys Interests but likewise to dispose them (if Possible) in such manner that they remove the encroachments already made by the French and prevent their attempting the Like for the future

I therefore directed the Commissioners for Indian affaires at Albany to order the Sachims of the Five nations to be there as soon as they judged it most proper & convenient, who since acquainted me that they had immediately dispatcht Messengers in to the country & appointed the sixteenth of this instant for that meeting

I design accordingly to embark this day for that purpose if wind & weather permitts having already put on Board such Stores & other necessaries as the council judged propper for Presents &c to the Indians upon that occasion and I hope at my return to give your Lordships a good account of my negociations

I shall only add on this head that I have forbore writing to the Governor of Canada till I come to Albany and have treated with the Indians, beleiving it will enable me to do it upon better Grounds and in more pressing Terms

The affairs of this Province being still in perfect tranquillity I make no doubt of preserving them in the same good posture until the Governors arrival here. I take leave to assure your Lordships that this will be the highest satisfaction immaginable to me and

I am with the deepest respct

Your Lordships most

Humble and most

obedient servant

Lords of Trade. P: Schuijler

Brigadier Hunter's Observations on Mr. Walpole's Memorial.

[Journal XXX., 309.]

Whitehall Thursday 18th Augst 1720

At a Meeting of His Majesty's Commissrs for Trade & Plantations.

Present—	Earl of Westmorland	Mr Dominique
	Sir Charles Cooke	Mr Bladen

New York. Brigadier Hunter late Govr of New York attending as desir'd the Copy of Mr Horace Walpole's Memorial to the Lords of the Trêary relating to the Proceedings of the Assembly of that Province with regard to the Revenue there, & the Officers appointed for receiving & auditing

the Accounts thereof, as mention'd in the Minutes of the 15th Inst. was again read. Whereupon he acquainted their Lordships that the Case was justly represented by Mr Walpole, & sevl Questions being ask'd the Brigadr on the subject of the Meml He further said that the late Great Debt of the Province of N. York had been greatly encreas'd by Misapplications of the Mony rais'd by former Assemblies.—That as to the 10sh per day mentioned in Mr Walpole's said Memorial as apply'd by the Assembly of New York to their own Use, there is a Law there, which has been confirmed by the Crown, whereby the Assembly Men have a Salary assigned them, but that the method of raising it as usual by a County levy was found more inconvenient than by a Public Tax, and that the sum apply'd by the said Assembly to themselves was in lieu of the County Levy to which thay had a Right.—That he had often recommended His Majesty's Receiver to the said Assembly, and that he might have some allowance settled upon him, but cou'd not prevail.—That the Quit Rents of New York which may amount to about 600£ Sterl: per annum and what duties are rais'd there; by virtue of Acts of Parliament made here, is all the mony that comes into the hands of His Majesty's Receiver, no part of either of which is apply'd to the support of that Government.

Brigadr Hunter added that he had not suffer'd the Assembly of New York to make any Applications in their late Acts for raising mony but had verbally ingag'd and given his word to sevl of their Members, that the money shou'd be punctually issued according to such Resolves as the Assembly shou'd make for the Disposal thereof; And he produc'd to their Lordships & left for their perusal, a Book shewing the method of issuing the Revenue & Auditing their Accounts.

Mr. Robert Livingston to Colonel Schuyler.

[New-York Papers (S. P. O.) No. 7, p. 12.]

To the Honorable Coll: Peter Schuyler Esqr President of His Majtys councill of New York

The humble memorial of Robert Livingston Secretary of Indian Affairs

May it please your Honour.

I have been an Inhabitant of this place and in this station now above five and forty years, and seen a great many changes, but do really believe I never found our condition attended with more melancholy circumstances and distractions than at this Juncture and that which is most to be lamented is to hear both from our own people and the Indians that we ourselves are the great occassion of it, in short I finde the posture of affaires here at Albanie in such a displorable condition, which if not speedily remedy'd will involve not onely this poor province, but all our neighbours also in incredible destruction, and by what I perceive our danger at present consists chiefly in three things—

1st The five nations infesting our neighbours the King's subjects to the Southward which I perceive (by their letters now exhibited) will nor can not longer be endur'd.

2nd The French settling Onjagoro.

3rd The furnishing the French and their Indians of Canada with goods from hence, whereby they not only supply the farr Indians and Engroce that trade to themselves, who

otherwise must come here to buy them, and by that means secure them to their interest to assist them upon occasion and engage them to be our Enemies —

As to the first I humbly propose that the Five Nations as soon as they are come both Sachims and Warriors may be so farr prevail'd upon, that they wholy desist from making warr that way or going within that Ridge of High mountains which covers Virginy and that they may be induced to go in a friendly way to the Govern^{t} of Virginy and make a firm peace with all the Indians in Alleyance with the English, and renew the Covenant Chain with that Govern^{t} at Williamsbourgh Where Cannaughsora and tenn more of the Five nations treated with the Gover^{r} of Virginia last winter and that an intelligent Christian may accompany them on the charge of Virginy, I hope the great confidence they have of your affection, and the influence you have over them, will be able to prevail, but if after you have used all endevours and they persist in their wicked intentions, that warning may be given to the Govern^{ts} to the Southward to be upon their guard and be made sencible of your good offices and endevours in their behalf.

Secondly, that a private conference be held with a Sachim of each nation to engage a party of their people to go to Onjagore and demolish that French settlement, and to prevent any future settlements which they may hereafter attempt to make, and that a good gratuity be engag'd for those that perform the service. We can not be ignorant of the great settlements they have made already round about us higher up, and what a noise the Messisipi Comp^{y} make in the world, who will undoubtedly encourage and assist our rivals of Canada and this being so near bloks us up intirely. S^{r} with Submission I cannot but observe that this settlement being made during your Administration may much lessen your character at home being a person always look't upon to have the most powerful influence over the Five nations, whereas if by the blessing of god on your endevours you happily effect it, will highly entitle you to the favour of your Gracious Prince, and most Justly to the good inclinations of Your fellow subjects in these parts.

Thirdly. That a stop be made for 3 months for all Indian goods going to Canada, and a guard appointed att the carrying place or where your Honour shall think proper, to prevent such transportation, but encouragement given to those that will go to the Sinnekes Country and Onyagoro to sell what Indian goods they please to the Five nations, or the farr Indians, and moreover that some person of respect that has influence among the Indians may be sent with a considerable company to the Sennekes country to remain there and keep the Indians steady to the British interest, and defeat the subtle artifices of the French.

Finaly, I am humbly of opinion that whatever we do with the Indians must be in a friendly and amicable way, since all our Forts are quite rotten and fallen down, and the scituation of our Country is such that if a warr with the Five nations break (Which God forbid) the best part of the province will certainly be ruined, and let who will be saved, we here in the fronteers are absolutely undone, Yet we ought to behave ourselves to the heathen as if we aprehended no such danger, but inculcate into them the danger they would be in loosing their country and becoming tributarys and slaves to the French.

Sir, If you think you are not sufficiently empower'd to take proper measures for preventing future inconveniences relating to those matters, humbly offered to Your Hon^{rs} consideration, you may if you think proper by an express to the Councill have their sentiments and concurrence, who, I am firmly perswaded will not be backward to assist you with their good Councils in such an extremity for the matter is come to a Crisis we must do or dye.

Its alledg'd some are gone and others of the Five Nations now agoing out against the Southern English settlements, and if the blow be once struck, it will be a hard matter to heal the breach — I pray God direct you to act for the peace and welfare of this province all which is humbly offer'd to your Hon^{rs} consideration, by

Hon^{ble} Sir

Your most humble and most

Albany the 23rd of August 1720. obedient servant

Brigadier Hunter's Statement respecting Quit Rents, the Palatines, &c.

[Journal, XXXI, 295–298.]

Whitehall, Tuesday, August 29th 1721.

At a meeting of His Majesty's Commiss^{rs} for Trade & Plantations

PRESENT — M^{r} Pulteny M^{r} Bladen M^{r} Ashe

New York. Brigad^{r} Hunter late Governor of New York, attending, as he had been desir'd, and being ask'd several questions concerning His Majesty's Quit Rents in that Province, some Forts necessary to be built on the Frontiers, & about the behaviour of several of the Palatines some time since sent over to the said Province; He said relation to the Quit Rents, that one year with another they now amount to about four Hundred Pounds stêrl per annum: — That whilst he was at New York he had setled the Collection of the Quit Rents there, in a better method than formerly, by obliging the Proprietors of land to produce their several Patents for the same, who relying on their juries, had combin'd to pay no more Quit Rents at all, and that he believ'd, when the said Quit Rents shall be duly collected, they may amount to above eight hundred pounds sterling per annum: — That in many of the old Grants, the Reservations to the Crown have been only the Payment of a Pepper Corn or very small Quit Rents; — But that in the Grants which have been made since the beginning of the Reign of Her late Majesty Queen Anne, the Quit Rents reserved in such Grants have been 2^{s} 6^{d} per hundred Acres, according to Her Majesty's Instructions, — That His Majesty's Receiver General at New York receives the said Quit Rents, and acc^{ts} for them here in Great Britain; — That the same are not appropriated, being as yet mostly taken up by the Salary of the said Receiver General & other charges; — As to Forts on the Frontiers of New York, he said, that in his opinion, one of the properest places for a Fortification would be on the New York side of the Great Lake behind the Seneca Nation of Indians near Niagara; & if the Indians can be prevail'd with to consent to it, it would be the only way to secure & maintain our claim; — That the French, who found all their claims on consent of the Indians, extended their limits by first getting leave to erect trading Houses in the Indian Country, which by Degrees they fortified, but that he (Brigad^{r} Hunter) had ingag'd the Indians to demolish them, or oblige the French to do it themselves. — In relation to the Palatines in the Province of New York, Brigad^{r} Hunter acquainted their Lordships that the greatest part of those who had settled at a place call'd Schorie, had agreed and submitted to his Proposals for the land they were upon, but durst not sign the agreement with the Proprietors, for fear of the Ring Leaders among themselves in the Disturbances about that Settlement.

Conference between Colonel Schuyler and the Indians.

[New-York Council Minutes, XII., 165–181.]

Proposition made by the Mahikanders or River Indians to y^e^ honourable Côll Peter Schuyler Esq^r^ president of his Majesties Councill for the province of New York &^a^: in Albany y^e^ 25^th^ Aug^st^ 1720

PRESENT— The Hon^ble^ Peter Schuyler Esq^r^ &c^a^

Côll John Riggs	M^r^ Rob^t^ Livingston Jun^r^	Comm^rs^ Indian Affairs
M^r^ Hendrick henson	M^r^ Cuyler	
L^t^ Côll John Schuyler	Cap^t^ Peter Van Brugh	
Maj^r^ Myndert Schuyler		

Rob^t^ Livingston Secry of y^e^ Indian affairs

Father

Wee are very Glad to see You but are very poor haveing not been out a hunting and therefore have not much to present you with all or make proposition according to Custom we had some presents from you Last Year but they are all wore out and we are Naked and bare Give a Belt of Wampum.

Wee were here before the Christians Came Being the antient Inhabitants of those parts and when the Christians first Came we made a Covenant with them which was but of bark but afterwards the English Comeing to have the Government of those Countries we made a Covenant Chain of Silver that the thunder it self could not break it and we are now Come to Renew as skour that antient Covenant Chain in token thereof wee Give a belt of Wampum.

Wee have Done only we must acq^t^ you we are heartily Sorry we have not the Language to understand the Minister haveing a Great Inclination to be Christians and turn from the heathenish Life wee are bred up in and wish that the minister Could speak & understand your Language we would come to him for Instruction.

Proposition made by the Hon^ble^ Pet^r^ Schuyler Esq^r^ President of his majesties Council for the province of New York &c^a^ to y^e^ river Indians or Machikanders in Albany y^e^ 25 Aug^st^ 1720.

PRESENT— The Hon^ble^ Peter Schuyler Esq^r^ &c^a^

Coll John Riggs	M^r^ Robert Livingston Jun:	Com^rs^ of Indian Affairs
M^r^ Hend: Hansen	M^r^ Joh Cuyler	
L^t^ Coll John Schuyler	Cap^t^ Peter Van Brugh	
Maj^r^ Myndert Schuyler		

R^t^ Livingston Secry of Indian Affairs

Children

The Administration of this Government being Devolved upon me and the Councill by the Absence of the Governour I, as President am Come up to treat with all the Indians and perticurly with you our Children who I am Glad to see and hope you will imploy Your people in hunting and buy no means suffer them to go out afighting against the Indians to the South ward who are in Allyance with the Governments of the Great King of Great Britain

The Five Nations have Suffered them selves to be Deluded by the french and their Emissaries and some of you Unadvisedly hearkened to them and have gone out thether

Divers times and Committed Hostilities which I fair will be of Dismall Consequence and therefore Awarn and Conjure you not to hearken to any such proposealls any more Let it come from whom it will but on the Contrary behave your selfe as Dutifull Childrin and keep your selves sober and eat Drink Hunt and Plant in Peace

Now not Doubting of your Continuing faithfull and true to this Government under which you and Your fathers have been protected I do Renew and Confirm the Anetent Covenant Chain made by Our Progenitors and make the same bright & Clean provided you keep the s^{d} Clean Inviolable and in token thereof I give you this belt of Wampum and since your Complain of your Poverty and are so bare & nake which must be ascribed to your Drinking and Laziness hopes in that you will be for the future sober and active to hunting and Plant I make you this Present of Ammunition and Cloathing.

Albany the 31st of August 1720

One Sachim of each Nation of the maquase oneydes onnondages and Cayouges appearing before the Hon^{ble} Peter Schuyler Esq^{r} President & told him that sence they heard that the Sinnekes Did not Come here to meet the President according to the affixed time they Would now say what they had heared before they Came from their Castles viz^{t} that Jean Coeur the french Interpreter took his Leave of the Sachims at the Sinnekes Country in order to go to montreal on his journey near thereondequat he mett A Messenger sent by the Gov^{r} of Canada with a Letter for him and a belt of Wampum on the Recept of which he told the Sachims who were in his Company that he had orders to turn back and Communicate the Contents of the said Letter with the said belt of Wampum to the Sachims of Sinnekies who assoon as he Came there Called the Sachims together and said that he had orders from his master the Gov^{r} of Canada to Acquaint them with matters of Great moment that Coll^{o} Nicolson or another Governour was to Come to New York who should bee a betrayer of his neighbours and had a hatchet in his bosom and he thought it was to Destroy them Nations and haveing Compassion on them as being his Children would Intrest them not to go out against the Indians to the southward as he had heard they intended but to stay at home and Guard their wifes and Children to prevent the trachery which was Designd against them.

They ad further that the Interpreter said that if the men would not hearken to what he said he should Endeavour with ther wifes to Dispose their husbands and Relations to have Pitty on them and stay at home for the truth and Confirmation hereof he Threw Down a belt of Wampum. Secondly he said Children. I understand that your Brother Corlaer and Quider have Desired you to Dismolish the house which wee built at Ochjagara which we are resolved to fortify but I must tell you if your Brother Corlaer or his people offer to Demolish or break Down that settlement that it will cost blood Let them but take an Example by that house which Quider broke Down at onondages where we were forced to retreat since he was more numerous then we but he paid Dear for it haveing Revenged it with blood by killing David Kettelhuyn and familie Johan^{s} Breat and the Children of Josias Swart.

The President asked them why they had not Acquainted him therewith assoon as he arrived that he might have spoke with the four Nations and returned to New York where his pressence is Required upon which the said Sachims said that they Expected from Day to Day that the Sinnikes would Come but now they perceive that they Give Credit to what is told them by Jean Coeur the french interpreter

A True Copy taken out of the Minutes and Examin'd by

Phillip Livingston D^{y} Secrey
of the Indian Affairs.

Att a Private Conferance held between the Hon^{ble} Cöll Peter Schuyler Esq^{r} President of his Majesties Council of New York and two Sachims of each of the four nations viz^{t} the Maquase oneydes onnondages and Cayouges in Albany y^{e} 1st of Sep^{t} 1720

The President whom they Called Quider told them that he was sorry that their bretren the Sinnekies were so foolish as to blieve such Lyes as was told them by the french interpreter Jean Coeur in the Name of the Governour of Canada as if the New Gov^{r} Expected here Daily should Come with a hatchet in his bosom with a design to cut of the five Nations one would think they have had Long Enough Experience of the fallacy and Deceit of the french and of their wicked practice as to Give Credit to such abominable falishoods they Dare not name any person in this Government for their falsehoods would be suddenly Detected but accuse a Gentleman who is at sea upon his Voyage hither who they never saw and who comes with orders from our Great King to renew the Covenant Chain and to protect the brethren from ill Designes that the french may have formed against them the bretheren know we have Lived in friendship 100 years and how Can the Sinnekies Give Credit to such Imposters therefore un Deceive them and Chide them for their folly the french have nothing to Do to make Settlements on your Land at Jagara which the brethren have many years ago surrender'd to the Crown of Great Brittain to be Kept for them and their prosperity and against the treat of peace Concluded between our Great King George and the french King so that it Cannot be suffer'd that they should make such Incroachments to the Distrimete and Great Disturbance of us all.

The said Eight Sachims Answerd that since the Sinnekies stay so Long above the prefixed time they do Conclude they have given to much Credit to What the french interpreter has told them in the name of his Master the Governour of Canada and they do belive that is the only reason of their not Comeing.

And as the french are making a Setlment at onjagra they are very senceable it is prejudicial to them as well as to us and therefore are willing if Quider will send some of his people thither they of the five Nations will joyn them and go unaniarously and pull it Down but wee must withall tell you that the selling of Indians goods to the french and their Indians of Canada is Great Inducement for the french to make that Settlement and therefore we Desire you to stop that trade and then the french will not have goods so Cheap to serve that far Indians withall for we are all Senceible that Goods Can be aforded Cheaper here then at Canada and that the french knows very well which makes them Come hither to buy to suply the Indians with out which the far Indians would be Obliged to Come hither and be Suplyed

A true Copy Examined p^{r}

PHILLIP LIVINGSTON
D: Secry of the Indian Affairs

Propositions made by the hon^{ble} Coll Peter Schuyler Esq^{r} president of his Majesties Councill of y^{e} Province of New York to the four nations viz^{t} the Maquase oneydese onnondages and Cayouges in Albany the 2^{d} Day of September 1720

PRESENT— The Hon^{ble} Peter Schuyler Esq^{r} &^{a}

Coll. John Riggs, M^{r} Robert Livingston Jun^{r},
M^{r} Hend: Hensen, M^{r} John Cuyler,
L^{t} Coll John Schuyler, M^{r} Peter Van brugh,
Maj^{r} Myndert Schuyler
} Com^{rs} of Indian Affairs

Robert Livingston Secry of y^{e} Indian Affairs

Brethern

Assoon as the affairs of the publick would Permitt I am Come to treat with the brethren and to renew the Covenant Chain Upon which hangs our Mutuall security and strength and am glad to see the brethern of the four nations here I am sorry you have been here so Long but you are sencible it is none of my fault for if you had made me acquainted assoon as I arrived from New York that Jean Coeur the french Interpreter had made such a scandalous false Proposition to the Senekies in the name of the Governour of Canaday that the New Governour (whom wee Dayly Expect from Great Brittain) should Come over with a Designe Treacherously to fall upon the five Nations and Cut them of I say if you had told me this before Last night I would have treated with the four nations who are wiser then to beleive Such false hoods and hope you will assoon as you return home Convince them of their folley and Assure them that this stratagem is only invented to stop their Comeing heither and Insinuate themselves in the favour of that nation who they Much Dread as being the Strongest and Nearest to them but you will know what a fatther the Governour of Cannada has been to You when he burnt your Castles Cut Down your Corne Betrayed your people and sent them to France to the gallies and now he pretends to warn you to be upon your Gaurd that a gentleman whom you never Saw should Come with Such a barberous Designe what a false people must these french be and what a foolish people must the Sinnekies be to give Credit to Such Reports and Can further assure you that the Governour Comes with no other Designe than to Confirm the Covenant Chane and to protect the brethren as Long as they remain firm and Steadfast to the british interest as Your Ancestors have Done before you which I Doubt not but you will Cordially ad hereto I shall how ever in the first place take notice of the answer you have made to the two Gent^{m} that were Sent by us to your brethren to the Sinnekies Country in the month of may Last that you would stop your Young men from going out to make warr to the Southward upon the Indians in Allyence with the English and under their protection and that you would allso for bear all acts of hostility against the farr nations of Indians who are in Allyence with us and Come to tread here nor to suffer the french indians to pass throw your Country to go to war to the Southward upon the indians that are friends to the English all which I hope you have been able to perswade Your Young men to observe for their Continueing Either of those Roads would be of Pernicious Consequence to us all and I must tell you that the governour of Virginia writes me plainly that they will not Suffer the Like Insolences and Hostilities as have been Committed by your Young warriours in that Government for Some Years past and Do Insist upon these two things that your people should not go within the Ridge of high mountains that Cover verginia nor

molest the Indians in Allyance with them and under their protection which if Comply'd with all that Government will be ready to treat with you a belt of Wampum was Laid Down.

As for the french makeing Settlement at Onjagara or the great fallse you are so Sinceable of the bad Consequence of it that I need not inform you & you not haveing Given any such Liberty but on the Contrary sending three Sachims with our Interpreter to Require the french to Demolish it is what the brethren are to be Commended for and I am thank full to the brethren for their Steadiness to the Covenant Chain in that respect and in Endeavouring to Secure Your Lands Especially such a Pase of so Great Consequence and since the french are so bold to setle there against your wills Upon the Lands Surrendred by the five Nations to the Crown of Great Britain to be kept for you and Your Posterity I would have the Brethren be Easy for the present sence all Possible means shall be used to Redresse these Grievances a belt of Wampum was given

Last fall I ordered the Commissioners to renew the Covenant Chain With the Brethren which they Accordingly and now in the Name of the most potent and most Greacious King George our Great Sovereign I renew with you the Acient Covenant Chain not only in behalf of all his Majesties Collonies and plantations on this Contenant of America as well to the Southward as to the Northward and in the most solemn Manner Assure you of this protection and favour which I hope you will ever Desire a belt was Given.

Now Brethren not Doubting but You will be faithfull and trûe as your Ancestors always have been to this Government. I must warn you not to harken to the french Indians whom the Govern^{r} of Cannada imploy'd to Draw You over to their Interest and to go and Live in Canada they weakned you Enough already the smart of that You have felt in y^{e} warr therefore Do not hearken to them but Live in peace in Your own Native Country a belt of Wampum was Laid Down.

You will forthwith Receive a Present of Ammunition and Such Goods as will be Necessary for You and You need not Doubt of their being Repeated at the Good Services you Shall Do to this Government Shall Deserve the Ammunition is Given You to hunt with all and to Defend you against Your Enemyes that may Come to Annoy You but not to kill people treatures as I hare Severall of Your people has done at Canastagione Saractitoge and half moon and other parts their abouts there shall be Provission Given You for Your Journeys home and if any of Your people Presist in Such wicked practices they shall be Oblidged to make Satisfaction to the full Value of the Creatures so by them Killed and to prevent such Disorders for the future we would Advise the Brethren when they Come to treat here that only three or four Sachims and three or four Young men from Each Nation Do Come who shall be kindly Received and Civily treated.

Brethren

I Understand that some Indians have brought a Letter with A belt of Wampum from the Southward the belt was for the five Nations and the Letter was to be Communicated to this Government and that the said Letter and belt is sent from Onnondage to the Sinnekies instead of being sent hither the brethren who Connot read knows not what Ill Consequence that may be for if the french get it they will make the Indians belive quite Contrary what the Letter mentions therefore I require that some of the Sinnekies Sachims bring Down the Letter to the Commissioners who will tell them the truth and to hear what wee have now proposed to You and also to fetch their Share of preasents which is here kept for them and that we are very well Assured it is only the french that have terrifyed them and stopt their Coming but that they

need not fear or Apprehending Danger they shall be well Come and Civily treated and so The Proposition were Concluded by Acquainting them that we Expected a New Governour Every Day from Great Britain whom we pray God to send safe heither Upon whose arrivall we shall Give you an Amount with all Expedition and by Condoleing the Dath of some particular Sachims by Giveing a Small preasent to their Nerest Relations

And so a present was Given them

A True Copy taken out of the Minutes and Examined p^r^

PHILLIP LIVINGSTON D Sec^y^ for
the Indian Affairs.

The four nations of Indians the Maquase. Oneydes. onnondages and Cayouges Answer to the hon^ble^ Peter Schuyler president of his Majesties Councill of New York. In Albany the 3^d^ September 1720

PRESENT— The Hon^ble^ Peter Schuyler Esq^r^ &^a^

Coll^o^ John Riggs	M^r^ Rob^t^ Livingston
M^r^ Hend: Hansen	M^r^ John Cuyler
L^t^ Coll^o^ John Schuyler	Cap^t^ Peter Van brugh
Maj^r^ Myndert Schuyler	

Rob^t^ Livingston Sec^r^ of y^e^ Indian Affairs

By Dekanisore their Speaker

They Acquaint the President that a Company of ten of the Sinnekes were out A fighting Last year against the Indians Called Kightages[1] and that they met a Company of Indians Called Ojachtanichroenee who ware going to fight against the flatheads Alias in Indian Ojadagochroene and Killed one of the ten and tooke three prisoners finding they were Under a mistake Assoon as the Prisoners were brought to their Castle were Released by the Sachims and sent back With Two Calumet Pipes which they produce and this Dear Skin Desired to be Excused for their Mistake and Delivered one of the Calumets to the Maquase and the other to the Oneydes

Then another Sachim of the Onnondages called Ajeechwayhta Spoke

Brother Corlar & Quider

They Repeated in Substance Propositions made to them Yesterday Especialy that Relating to the Ancient Covenant Chain which the president Renewed yesterday in the name of the Great King George and that not only in the behalf of this Government but in the behalf of all his Maj^ts^ plantations in America to the southward and Eastward which Covenant Chain we also in the most solmn manner Renew Confirm and Promise on the behalf of all the five Nations to Keep the same Inviolable as Long as the sun and moon Endeaurs the brethren renewed the Covenant Chain Last fall with the five nations and they Did Likewise promise to keep the Same firm and fast and that they are resolved to persist in as Long as they live Give a belt of Wampum

Brother Corlar & Quider

You told us Yesterday what the five Nations had Ingaged to the two Gentlemen that were in the Sinnekies Country this Summer how that they should Not go out to fight against the

[1] See ante, III., 445, note 1; IV., 650, note 5.—ED.

Southward against the Indians Under the protection of the English nor against farr Indians that Come throw our Country heither to trade we Concluded before we came from home both Young and old to perform and which Engagement wee do now in the name of all the five Nations promise that none of our people shall hence forth go to warr nor take their rout within the Ridge of high mountains which Cover Virginy nor Disturb any of the Indians which are in Allience with any of the British Colonies Particularly Never to Disturb those Indians of Virginea and Shall Likewise never make ware upon those Indians that Comes to trade here who are in Allience with you and us and as a Confirmation of this our Solemn Promise and Engagement we do Give this belt of Wampum

Brother

You told us Yesterday if any of the french Indians should Endeavour to come threw our Land to make war to the Southward upon any Indians in Allience with the English that they should be stoped which wee do hereby Engage to do and shall not suffer them to pass throw our Country if we Know they have any such Evill Designe Nither will wee Harken to them if they should Entice us to go and Leave our own Native Country to Live at Canada being resolved not to Depart from our Country but to hunt and Plant in peace and Quiteness and Protect our wifes and Children. Give A belt of Wampum.

Brother

You Commanded and thaked us Yesterday for the Endeavours we had used for the Removall of that Setlement at onjagra and you told us to be Easy for the present sen[c]e all Possible means should be used to have it Demolished wee should be Easy and for the Issue and see what the Brethren will do in that affair.

They Renew the Covenant Chain again and are thankfull that their is such care taken of the five Nations we Rece[d] a belt three Years ago upon the renovation of the Covenant between us but had not then A belt to Give in Return according to Custom and therefore give now this belt.

Some years ago a small belt was sent to y[e] five Nations Notefying that they should not go out a fighting to the Southward which belt being so small was not regarded by the five Nations thinking the Christians Did not much Concern them selves about that Affair Else would have sent a beger belt but we have told You that wee will not Go out that way nor use that parth any Longer and as a token thereof Give a few hands of Wampum Return of the litle belt

Another Sachim of Cayouge stood up Called Dkeinssore Jun[r] and

Repeated the old treaties that have been made between the Christians and them in former Days and how obedient the five Nations have Always been to the Christians and when they were orderd to Lay Down the Hatchets that they had taken against their Enemies they Obayed and did as they were Required and so you shall find that wee shall Observe Your orders and Commands Now in Burying the hatchets that was used against the Indians in Allyence with Virginia and sence we have proved Always so Obedient we hope you will hearken to what we shall now propose to witt that your Ells should be Longer and the pounds heaveyor for wee find by Experience that your Ells are Short and your Pounds Light

It seems you have for got to speak of the Indians that Lives Near the susquehanna and other Indians who are at war with the Indians of Virginia they ought to bury the hatchet as well as the five Nations Else the peace will not be firm

You told us Yesterday about the Letter and belt Come from the Southward in stead of being sent hither Was Carry'd to the Sinnekies the Sachims of y^e^ Sinnekies being now sent for to Receive their presents they will bring Down the Letter that the brethren may Acquaint them with the Contents thereof and we can Assure You if sufficient provision be given us in our way home no harm shall be Done to the Christians Catle but you know hunger is a sharp sword.

Then Hendrick the Maquase stood up and said he spoke in the name of their Nation and Complained that Cap^t^ Scot had bought some Land of the Maquase in a Clandestin way in the Night time and not in a Regular Lawfull way and therefore Desir'd that no Patent of any Land in the Mohoggs Country should be Granted him Asoon as they had Done they were Desired to Come and fetch Provision for their Journey home.

A True Copy taken out of the Minutes and Examined p^r^

PHILLIP LIVINGSTON
D: Sec^ry^ for the Indians Affairs.

Att a Meeting of the President Coll^o^ Peter Schuyler Esq^r^ and the Commissioners of the Indian Affairs in Albany the 3^d^ of September 1720

PRESENT— The Hon^ble^ Peter Schuyler Esq^r^ &^a^

M^r^ Hend. Hansen.	M^r^ Rob^t^ Livingston Jun^r^
L^t^ Coll^o^ John Schuyler	M^r^ John Cuyler
Maj^r^ Mynd^t^ Schuyler	Cap^t^ Peter Van brugh

Hendrick the Maquase having been suspened from being a Sachim by the Sachims of the Maquase about four Years ago the President proposed to them to receive him Again in his Station which was Agreed upon And they Received him and Established him Accordingly

The Hendrick in the Name of the Sachim Acquainted the President that it was Impossible they Could Exercise their Devotions as Long as rum was sold so Publickly in their Country that Joh^s^ Harmense Cap^t^ Scot Joseph Clement and Thomas Wilemane sold Rum so plentifully as if it ware water out of a fountain and if that Cannot be Privinted they Cannot Live Peaceably in their Castle

Albany the 4^th^ of September 1720

Taquainout A maquase Sachim being Come to town was sent for by the Hon^ble^ the president who being Enquired about the Sachims of the Sinnekies if he had heard if they were upon the way said that he had staid all this while for their Comeing and that upon hearing but an Oneyde who Lives in the Maquase Country that the Sachims of the Sennekies were Upon their way hither but A messenger was sent that they should return back sence there was bad news come from Cannada where upon they turn'd back accordingly nevertheless upon advice of the Com^rs^ of Indians Affairs the president is Resolved to stay here till to Morrow and in the mean time send Lewrance the Interpreter to Schinectady to hear if their were any Certainty of the news sent by a Letter from Cap^t^ Schuyler that the Sinnekies were Expected in a Day or two

A True Copy taken out of the minutes and Examined p^r^

PHILLIP LIVINGSTON
D Sec^r^ of the Indian Affairs

Minute of the Board of Trade respecting the Palatines.

[Journal, XXX., 341.]

Whitehall Tuesday 6th Septr 1720

At a meeting of His Majesty's Commissrs for Trade & Plantations.

PRESENT—	Earl of Westmorland	Mr Doeminique
	Sir Charles Cooke	Mr Bladen

New York. Genl Nicholson attending as desir'd, as also Mr Jeremy Long who appears in behalf of the Palatines & other Germans at New York, whose Petition & case, as also a letter from Brigadier Hunter on the same subject are mention'd in the Minutes of the 21st of July and 2d of August last, the said case and Letter were again read; And Genl Nicholson being ask'd what he knew of the Allegations set forth in behalf of the said Palatines; He said that he understood the Number of the Palatines first sent over to New York, was about 3200;—That he knew nothing of any promises made to them;—That he had about 300 of the said Palatines with him in the expedition to Montreal, who were subsisted during that Expedition, but that he knows of no Engagements concerning their Pay;—That he is a stranger to their settlement at Schories—That as to the Arms made use of in the Expedition, he knows of no direction for leaving what the Palatines had in their possession, but that there was an Order for leaving some of them in the Plantations as Stores for the Magazines there—And Mr Long above mention'd being unable to make proof of any of the Particulars set forth in the said Case of the Palatines; he was acquainted that Copies of the several Papers relating to their Petition, shou'd be transmitted to Mr Burnet Govr of New York, and the settlement of such of them as desire to remove to proper places, recommended to him, thô it was observ'd to Mr Long that it seem'd sevl of the said Palatines had behav'd themselves very undutifully to His Majesty and his late Governor of that Province.

CHARLES COOKE

Representation of the Authorities of the City of Albany.

[New-York Papers (S. P. O.) No. 7, p. 15.]

To the Honble Coll: Peter Schuyler Esqr President of His Majties Councill of the Province of New York in Council.

We the Mayor Recorder and Aldermen of the City of Albany the Commissioners appointed for managing the Indian affairs at Albany and the Justices of peace of the said City and County beg leave to lay before Your Honour a true state and condition of these frontiers which are in a deplorable condition especialy if there should be a reupture with France.

In the first place the Five Nations are in a stagering condition, the French of Canada partly by threats and partly by presents and fair means having obtained such an awe and influence over them that the principal Sachims of one of the Sinneke Castles called Onnahee have given a large belt of Wampume to the Governor of Canada to pitch one a place for them near him where they shall go, setle and remove which the said Governour has already laid out between

Laprerise and Chambly near Montreal some Sachims and Indians of that Castle are already gon in order to settle there, and in short many shall follow their example if not speedily prevented that tho' the other Indians of the Five nations seem well enough inclined to the British interest they dare not oppose the French in any of their designs as is manifest by their suffering the French to settle above the Carrying place of Jagara at Ochsweegee and also to suffer them to make another settlement below the great falls of Jagara this summer the only passage the Five nations must unavoidably use when they go and come from hunting and that all the Far Indians must use in carrying on, the trade so advantageous to His Majesty's interest and his subjects in these parts by which means an entire stop is made of the whole Far Trade if that and such like settlements that obstructs the Indians coming hither be not removed and since this place has been setled above one hundred years meerly upon account of trade with the Indians and enjoyed the same without any interruption, all which is wholly cut off at once by the French setling there.

It is not without great grief and anxiety that we must represent the reproach we daily have from the French and their and our Indians that our Fortifications are quit out of repair, they were but Stockados at first and are now all rotten and fallen down, whereas our neighbours of Canada have not only ever since the peace been strenghened themselves with stone Forts for the Indians that are under their protection which are all Garrisoned with proper officers and souldiers which know to keep the Indians firm to their interest, and that at Chambly where there are not above five or six families, there is a stone fort made almost impregnable, the Gov^{t} of France sparing no cost and charge in fortifying all places of their frontiers that are contigous to this Colony and by this very means draw many of our Indians to them alleging they have a country well fortified where they can live secure.

That the French for many years past have had and still have the liberty to go and stay among the Five Nations of Indians especially among the Sinnekes whose number consists above one thousand men, to debauch them from their fidelity to His Maj^{ty} and bring them over to their interest which nations have an awe on many Far Indians which are Tributary to them and do humbly conceive that the said Five nations are the balance of the continent of America, who if the French bring over to their interest will prove the ruin of many thousand families.

When we consider what vast number of Officers and men that the French post among the Indians who have always an awe over them and keep them firm to their interest in such a measure that those Indians are endevouring to perswade many of ours to go and live with them and whereas vast sums of mony have lately been raised and paid in this province for claimes on the same and for support of Govern^{t} so that the trade is decay'd and the Inhabitants bare of mony and unable to support the charge of Govern^{t} much less to defray and pay the expence that may be necessary to secure our Indians firm to the British interest and if such measures be not observed as the French have used and still do since their settling Canada by posting proper persons, Officers and Souldiers among our Indians in forts and garrisons, we are humbly of opinion that for want thereof will be the loss of the Five nations, who we foresee will unavoidably go over to the French interest and may prove the ruin and destruction of the greatest part of this continent.

These being the principal miseries that the poor inhabitants of this City and County labour under, which if not remedied and if a war should break out either with the French or Indians (which Gord forbid) the inhabitants will be necessitated to remove their families and effects for their better security and think, he that got away first was the happiest man.

We are humbly of opinion that for preventing the mischiefs that may happen to his Majesties dominions in these parts, that not only the French may be removed from the settlements they have made on land resigned by the Five nations to His Majtie and the sooner the better by such ways and means as you shall think proper but that a Fort be built in covenant place at Tierondequat about ten leagues from the Sinnekes Castle and one at Ochiagara and a sufficient number of brisk young men posted there with proper Officers and an intelligent sencible man reside there to defeat the intreagues of the French and secure and preserve the Five nations to the British interest and likewise to keep the path open and patent for all the Far Indians to come hither and trade which would take off a vast quantity of goods and to prevent all inconveniencies that may happen by peoples trading at their plantations with the Indians—it may be so ordered that the Indian trade be wholy and solely confined within the walls of the City of Albany pursuant to the Charter of this City and that all persons be admitted to trade within the City and nowhere else, and that a law be made to inflict severe penalties on those that shall transgress.

Lastly that his Most Gracious Majesty would be pleased to order, there be stone walls made at Albany and Schinectady and such other places on the frontiers as His Majty shall think fit and so large that the women and children may be secured in time of extremity.

Honourable Sir.

These are the grievances which the Inhabitants of the frontiers groan under and with all humble submission these are the remedies which (with God's assistance) will redress them, the charge we humbly conceive will be inconsiderable in comparison of the vast expence the French are at Canada and therefore hope you will speedily apply such remedies as lye in your power to prevent the danger that threatens us, and what cannot be effected here, that you will be pleased to represent it to the Ministry at home and we doubt not but as soon as his Majtie is fully informed of our unhappy and dangerous circumstances and the great hazard all his plantations are in (by the French surrounding them on all sides and the new project and bold attempt of setling at Ochiagara) but we shall be speedily relieved and powerfully protected, all which is nevertheless most humbly submitted to your Honour's consideration by

Sir

Your most humble servants

John Riggs,	Evert Banker,	Wessel ten Broek,
Hendr v. Renselaer,	Myndt Schuyler,	Johs Cuyler,
Hendr Hansen,	Abrm Cuyler	Johs Pruyn.
Harmanus Wendel		

Albany 14: September 1720.

Governor Burnet to the Lords of Trade.

[New-York Papers, Cc., 37.]

New York 24 Sept 1720

My Lords

A I thought it my duty to be as early as I could in acquainting your Lordships of my arrival in this Province, tho I can give but a very imperfect account of the state of affairs at

present I published my Commission here on the 17th day after my landing & at North Amboy in New Jersey on the 22d

B I find the Party who have always opposed Brigdr Hunter have got head since his absence & have been preparing for a new assembly quite different from that which granted him all the Revenue that was obtained in his time. This has made several of the best friends to the Government think it adviseable to meet the old assembly & that immediately by which means (which are legal and have precedents in this Province, as by my next dispatches shall be made appear at large) all risques will be avoided, the assembly will be more tractable than ever in order to be continued there will be a present provision for the great deficiency in Revenue which are now above £2000 & will before the month of June next when the Revenue expires be above £3000 this country money (which is at the rate of eighteen pence to a shilling Sterling) There will be further provision for a Revenue after the expiration of that already granted, and there may be effectual measures taken for fortyfying & securing the Frontier against the French who are more industrious than ever in seducing our Indians to their Interests & have built trading Houses in their country & had engaged great numbers of them to live in the French Country near Quebec, if the assembly can be brought to some immediate provision for this service their may be forts built next year & other measures taken to stop these designs of the French which they carry on with great application.

I need not observe to yr Lordships how much these circumstances require a sudden remedy from home, as well as our utmost diligence here

C I must intreat your Lordships to give me your protection in this affair & to represent the necessity of despatching the usual Presents to the Indians, for which I made application to the Lords Justices & which were directed to be provided by the Lords of the Treasury This likewise makes it more pressing to have the Stores wanting for the Garrisons in this Province of which there was an account given by me to the Lords Justices & an estimate from the Board of Ordnance of the expence of them, but no order from the Lords Justices at my departure. I am hopefull upon your Lordships Representation of that affair in the light it is now to be viewed it may be obtained

I hope your Lordships will take into your consideration the critical state of this Province both from their partys among themselves and the measure of the French and honor me with your commands upon it that the great wisdom with wch your Lordships direct me may prevent the mistake & supply the defects which may be occasioned by the want of ability & experience in

My Lords

Your Lordships

Most obedient & most

faithful servant

(signed) W Burnet

P S

I have yet had no opportunity of informing myself of the State of Affairs in the Jerseys

Governor Burnet to Secretary Popple.

[New-York Papers, Cc., 39.]

New York Oct. 17. 1720.

Sir

This comes only to accompany the opinion I have taken for my Justification in meeting the present Assembly, which I thought it best to send in their own words, with a copy of the Writt by which they were called. I beleive little Question will be made of the Legality of it with you, but as I don't know what others may represent I have given you this trouble

I desire you to lay the enclosed opinion before their Lòrdps mith my most humble duty to them, I hope they will think this a full performance of my undertaking, in my first to their of 24 Sep Lordships, of which I sent a duplicate of the 3rd October & having nothing else besides the annexed speach to send. I did not think it worth while to trouble their Lordships at this time

I desire the enclosed may be sent as directed & am Sir, yor mo obedt & mo: humble Ser

W Burnet

Governor Burnet to Secretary Popple.

[New-York Papers, Cc., 59.]

24 Oct 1720

Sir

This brings a duplicate of what I sent on the 17 by a Ship from Philadelphia this comes by the way of Boston, and I have nothing to add. The addresses of Assembly not havg yet come up. I have not sent copies of these opinions to the Secretary, because I beleived the substance would be sufficient but in case there is any doubt of it I desire you will deliver a copy to Mr Harison for the secretory's use. I do not trouble the Lords of Trade by this post having nothing to add at present but these Duplicates which I desire you to present to them with my most humble duty

I am Sir

Your most obedient &
most humble Servant

New York—

Wm Popple Esqre

sgd W Burnet

Petition of Johannes Wilhelm Schefs, Agent for the Palatines.

[New-York Papers, Cc., 36.]

To the Right Hônble the Lords Comrs of Trade & Plantations

The humble Petition of William Scheef, in behalf of himself & the Germans commonly called Palatines Dwelling in Schorie in New York

Sheweth

That there are at present about one Hundred & sixty Families, consisting of about One Thousand Souls, in that part of New York, called Schorie, in which they have built Hutts, Houses

& some Mills for grinding of Corn where also they have improved the Ground; & have cleared away (besides an other mentioned in their Case) [a road] that runs down from their Habitations as far as Albany being about twenty four Miles in Length, for a free communication with Albany

That there are also about five Hundred German Families, consisting of about Three thousand Souls dwelling in dispersed habitations in the said Province of New York

That the said German Families have impowered your Petitioner as also John Conrad Weiser;[1] to implore the Kings gracious favour for granting the free possession of the said Valley of Schorie to the said 160 Families, or as many others as should find Room to settle therein; And to pray that His Majesty would be pleased to extend His bounty to the remaining 500 families, by securing a settlement for them, either above, below or round about, the valley of Schorie in those parts, formerly in the possession of M^r^ Godfrey Dellius or in Mackworth[2] Land

But your Petitioner (hearing with grief that John Conrad Weiser has petitioned your Lordships, for obtain^g^ a tract of land called Chettery[3]) most humbly entreats your Lordships, to dismiss the said Weiser's Petition as being directly contrary to our Instruct^ns^ & the inclinations of our people who earnestly desire to lead a quiett & peaceable life and are utterly averse to expose their tender Children, and child bearing Women to another Transportation by Water as still remembering the loss of most of their young children at their going from home to America; all which may appear in our case,[4] now laying before your Lordships, which is signed by M^r^ Weiser himself

If your Lordships should think fit to remove the said 160 families to any other part of the said Province of New York, They hope their Houses, their Mills, & their labour in clearing the Ground and making the said way of 24 Miles shall be appraised by impartial persons to be chosen by each party, & the value thereof made good unto them before their Removal from thence

And considering, that the grant of the valley of Schorie supposed to be given to some Gentlemen of Albany, being made some time after the said Germans had seated themselves therein at first to one & afterwards to two other persons, was as they humbly conceive against the Plantation Laws for the truth of which they humbly appeal to the proceedings of the

[1] John Conrad Weiser, son of Jacob Weiser, was a magistrate of the village of Great Anstach, in the Duchy of Wirtemburg, in Germany, and married Anna Magdalena Uebele, by whom he had fifteen children. She dying in 1709, he left his country, and landed, with the major part of his family, in New York, in June, 1710. Thence he was sent, with a number of other Palatines, to Livingston Manor, where he again married in 1711. Government having withdrawn all assistance from the Palatines, in 1713, they sent John Christ. Fuchs, Hartman Winedecker, John Peter Kneskern, John Christ. Gerlach, Hans George Schmidt and Mr. Weiser, as deputies to the Mohawk Indians for permission to settle in Schoharie, whither about 150 families removed in 1714. The lands having been granted to others, great confusion ensued, as the Palatines refused to hold under the patentees, and appealed to the Government in England, to which country Captain Weiser, William Scheff and —— Walrath proceeded, to lay their Case at the foot of the Throne. They secretly embarked at Philadelphia in 1718, but on the voyage fell into the hands of pirates who robbed them of their all and then set them free, when they put into Boston to procure necessaries. On arriving in London they found themselves penniless and forced to contract debts. The consequence was, Weiser and Scheff were thrown into prison, from which they were afterwards released only by a remittance from New-York. Scheff and Weiser quarreled whilst in London. The former returned to America in 1721 and died shortly after. Weiser returned in 1723. Some of the Palatines removed to Stone Arabia, some remained at Schoharie, but the major part of them crossed the forests to the head waters of the Susquehanna where they built canoes and floated down that river to Swatara, on the head waters of which and of the Tulpehocken they settled on Indian lands now comprising part of Berks and Lebanon counties. Captain Weiser died on the 13th July, 1760. Abridged from *Collections of the Historical Society of Pennsylvania*, I., 1–6. — Ed.

[2] Mackwaa, i. e., Mohawk. [3] Swatara, Penn. See note 1. [4] See ante, p. 553.

Assembly of the Province, and those of the Governor & Council; In case they shall be maintain[d] in the said Valley of Schorie they will cheerfully pay all such charges for the support of the Government as other subjects there are used to do

Therefore Your Petitioner humbly Prays your Lordships will be pleased to confirm the said 160 Families in the Possession of the Valley of Schorie & the mountainous parts thereof, & allot to the other 500 Families such Lands somewhere near about the valley of Schorie as your Lordships in your great wisdom shall think fit

And that your Lordships would further vouchsafe to grant a Coppy of Colonel Hunters Memorial relating to our Case that the underwritten may have an opportunity to vindicate his principals from any mismanagement alledged ag[st] his Collegue M[r] Weiser

And Your Petitioner as in duty bound shall ever pray &c &c.

Nov: 1. 1720 (signed) Johan Whilm Schefs.

Governor Burnet to the Lords of Trade.

[New-York Papers, Cc., 56.]

Nov 26. 1720.

My Lords

I can now with great pleasure acquaint your Lordships that I have gone through a Session of Assembly that ended on the 19[th] instant and has fully answered my expectations, and provided as compleatly for the support of Government as ever was done in Brigadier Hunters time This is owing first to the good impression he made on them and next to the desire they had of being continued which was the greater because they had been threatened with a dissolution in the presidents time and when that was stopt by a letter from M[r] Secretary Craggs, they continued in fear of it when a Governor should arrive knowing very well that there had been pains taken to get a New Assembly of a quite different mould from this and that should [act] a quite contrary part

If there had been a necessity for a New Assembly it would have made my difficultys at first very great to meet men whom I knew had been pitched upon because of their dislike to Brigadier Hunter and to the support of Government in his time, besides it was impossible to meet a New Assembly at all, till next spring during which time there would have been no money to defray the charge of Government which deficiencys are now provided for, and the supply for the support of Government continued for five years longer till July 1726. This is the main act passed this Sessions and is, as to its form copied after that passed by Brigadier Hunter for the same purpose

The next in importance is to enable me to repair the fortifications and build new ones and for other incident charges of Government, this they could not be brought to find any expedient for, but laying a duty of 2 per cent upon European Goods, imported into this colony which has a clause in it suspending its taking effect till confirmed by His Majesty. They thought the safety of the Country and the extraordinary occasions of Government might be now provided for in the same manner as they have been formerly by the same duty which Act expired according to its own limitation and it is hoped the urgency of the service provided for will be

thought a sufficient reason to confirm this Act, without delay that I may next spring receive it back and set to work to renew the Fortifications which are quite decayed both at Albany Schoenectade & fort Hunter, which are only wooden forts, whereas the French have several Stone Forts in their country in very good repair I intend likewise to build a new Fort at Niagara & a small one at Onondaga

The third Act of a publick nature and consequence is to prohibit all trading with the province with the French for Indian Goods, that is goods which the French sell again to the Indians & thereby have the supplying all the Farr Indians with our Goods who would come to us and trade with us for them if they had them not from the French and hence our Indians justly say the French build Forts with our goods. This Trade was so much practised by the leading men here that the Assembly could never be brought to prohibit it untill now but finding the use that the French made of our easiness to them they have indeed made a severe law against it by which means either the French will be totally deprived of such goods as Strouds Duffles & or if the get them it must be from Boston or Europe directly at a great disadvantage in the price and with the risque of going up the River of Canada which is of most dangerous navigation and then the trade will be at Quebec which is above a hundred leagues further from our Indians than Monreal, & Monreal will sink to nothing which now flourishes by its Trade with Albany

These are the three principal Acts now past which shall be sent to your Lordships as soon as they can be enrolled & with them several other Acts of this Session with a more ample account of each than is here given

From these two last Acts I expect no less than restoring our influence over the Five Nations and drawing new nations of Indians through their means to trade with and depend on us for this reason I will do my endeavors in the Spring without committing any hostility to get our Indians to demolish a trading House or Block House that is made Muskett Proof with Port holes for firing with small arms, which the French have sett up near the fall of Niagara in the Sennekees country. This is in open defiance of the Kings right the Sennekees having granted that Land to the Crown of Great Britain before the French had ever been there, this place is of great consequence for two reasons. First because it keeps the communication between Canada & Micisssippi by the River Ohia open which else our Indians would be able to intercept at pleasure, and Secondly if it should be made a Fort with Souldiers enough in it it will keep our Indians from going over the narrow part of the Lake Ontorio by this only Pass of the Indians without leave of the French, so that if it were demolished the Farr Indians would depend on us, by means of the goods which they want of us, and which the French cannot afford to supply them with unless they get them from this Province. I value this Act the more for breaking the neck of this trade now because I observe in the last Mapps published at Paris with *Privilege du Roy par M de Lisle in* 1718 of Louisianna and part of Canada that they are making new encroachments on the Kings territories from what they pretended to in a former Mapp publish[d] by the same author in 1703 of North America particularly all Carolina is in this New Mapp taken into the French Country and in words there said to belong to them and about 50 leagues all along the edge of Pensilvania & this Province taken into Canada more than was in their former Mapp, whereas really the nation called the Sonnontouons in that Map and marked near the fall of Niagara, is no other than the Sinnekees one of our five nations who have long ago owned obedience to the Crown of Great Britain, and the other nations there named the Goyogouens, Onnotaguć, Oneid, Aniez, or the Cayouges Onondagues, Oneides,

and Maques or Mohowks who are the other four nations who have long since submitted to the Kings Government This I know to a certainty from the people of Albany

And now My Lords that I have given some short account of the main things done this Sessions which was finished only last week I must desire your Lordships to observe with how much despatch and unanimity matters of such importance have been caryed in one months time. I will appear by the printed votes which I hereby transmitt, that every member of the House concurred in the address to me and in every part of the publick business, except one who was absent from infirmity and an other whom the expelled for affronting the house This has been the effect of adhering firmly to every one of Brigadeer Hunters friends and not giving way to a party that has gathered strength by his absence and may be now quite silenced by what I now beg leave to offer to your Lordships

The Assembly being hearty and zealous my whole difficulty lay with the Council, and there I found the President and six more firmly combined together to have a new Assembly which design having been frustrated by M^{r} Sec^{y} Craggs letter before my arrival they thought now there was a necessity for its taking place and then they were secure of a majority depending on themselves this made them own to me in a free conversation not at the Board, that tho' I had shewn there the Arguments & Precedents which I have sent to your Lordships and hope you have received yet they could not consent to act with this Assembly I told them at that meeting after I had heard all their sentiments except one who was absent that they would do well to consider whether scruples in which they did not pretend to be certain justified their stopping the ordinary maintenance of the officers of the Government who could not otherwise expect a shilling for nine months to come, their neglecting an immediate remedy to the disaffection of the Indians occasioned by the practices of the French, and their preventing a provision for the repairing of the Fortifications which unless now made the the work could not be done next year so that by their means we should be two years in a defenceless State This could be prevented by their concurring with the present Assembly and could not be done any other way they knowing that the Season would not permitt calling a new Assembly, which if it had I saw no reason to part with so faithful and loyal an Assembly as this had been ever since the Kings accession on which they were chosen I further told them they knew what unwarrantable proceedings I could charge them with in defiance of His Majestys Instructions and that they might depend on it the Kings business should not suffer through neglect of any powers lodged in me to that end this had the effect to make the President and four more desire leave to go into the country, which I granted them and which they asked that they may reserve themselves to oppose me on other occasions.

I have therefore brought matters to bear without any violent measures but must earnestly recommend to your Lordships for the quiet of the Province and the effectual discouragem^{t} of such attempts in an other interval of like kind to dismiss two persons from His Majestys Council namely Peter Schuyler & Adolphus Philipps and that for the reasons following

First because the said Peter Schuyler being eldest Councillor and President did immediately after Brigadeer Hunters departure make several alterations in the affairs of the Government and threaten a dissolution of the Assembly for which he was reproved and forbid to proceed by a letter from M^{r} Secretary Craggs and all this he did by the advice of Adolphus Philips who is known to govern him and with whom it is here notorious that he trusted the keeping of the Great Seal during the time of his Administration

Secondly because Peter Schuijler with the advice of the said Philips did grant away several Tracts of Land contrary to the Kings Instructions No 101 by affixing the Great Seal to Patents

for that purpose before the Land had been set out by at least three or four officers named in His Majestys Instructions viz the Governor, Surveyor General of the Province, Secretary and collector of the Customs, whereas he granted Land under the Great Seal without any person hav^{s} signed the certificate of setting it out but himself and then affixed this Certificate to the Patent in one Label by which means the Great Seal was affixed to a Block it being mentioned in the Certificate that the four before mentioned officers have certified the setting out the said Land and their being but one subscriber to it and one of these Patents is now in my possession

Thirdly because the said President Peter Schuyler did with the assistance and concurrence of the said Philips after having received the Secretarys letter continue to alienate the minds of the People from Brigadier Hunters administration & discountenance his friends in a publick manner and it is well known here that the ennemies to King George have been the Brigadiers greatest enemys

Fourthly, because if I should dye or be removed the Province would again come under the same administration & be in the utmost confusion, The President being a weak ignorant man but easily prompted to do wrong things by the before mentioned Adolphus Philips who has always been an indefatigable enemy to Brigadier Hunter and has capacity sufficient to bring about his purposes which have always tended to sour the minds of the people against a support of Government

For these reasons my Lords I desire that you would represent to his majesty in Councill that these two Councillors be dismissed and that two more be placed in their stead viz

Cadwallader Colden, and James Alexander the first of which His Majesty has lately appointed his surveyor general of this Province and the latter a gentleman of good estate in the province and who has served two years as deputy secretary with great approbation with Brigadier Hunter. Tho' by the 12th Instruction I could have suspended these Councillors yet I am glad that I have time to have it done directly from home for I shall always be tender of using power further than is absolutely necessary. This alteration will secure a number of well affected persons and who are always at hand to attend in Council, of those that have opposed me one is come over to me and the others are less stirring and conspicuous so that I would not desire a further alteration than is just necessary to keep maters easy on the happy foot they now stand, for as this assembly is now gone in the best temper ever an assembly were known in I hope to meet them in the same in the spring and if the country finds I am encouraged and supported from home they will lose all thoughts of a new election all our heats will be quite buried

I have remitted the five per cent on Whale Fishing during my time but require licences during pleasure to be taken which is asserting the Kings right tho I neglect my own profit for the encouragement of that Trade, and this has had a very good effect in the country

This is the substance of what has passed since my arrival and of what is most pressing to make these measures compleat and tho I am sensible I have trespassed on your Lordships patience already yet I cannot forbear laying before your Lordships a favorite project of my own which if approved I have no great doubt of accomplishing—When I get the Kings presents to the Indians which I hope will be dispatched I purpose to go into the Indian Country through the five nations and give them these presents at their own homes when I come among the Sinnekees I will propose to them my design to build a Fort at Niagara & leave a whole company of souldiers to guard it and be a defence to the Indians against the

French and to make this succeed the better I intend to give land to the officers and souldiers & to the Palatines and all others that will go there by this means in a year or two the country which is very fruitful will maintain itself and be the finest Settlement in the Province because it is seated in the Pass where all the Indians in our dependance go over to hunt and trade with the Farr Indians it will likewise make it practicable to have another settlement above the Fall of Niagara where vessells may be built to trade into all the Great Lakes of North America with all the Indians bordering on them, with whom we may have an immense Trade never yet attempted by us, and now carried on by the French with goods brought from this Province. The Map will shew the vast extent of this Trade if once settled and the Fort of Niagara will secure us from being interrupted by the French in it—What makes this project more seasonable is that this Land about Niagara was solemnly given to this Province by the Natives, but as we have made no use of it, the French have often molested the Indians there and kept them in awe. It will also be necessary to have a small Fort at Onondaga which is half way between Albany and Niagara to secure the communication between them, There occurs no objection to me against carry on this undertaking, but that it may disoblige the French, but I think that is answered when we consider how they are always attempting to draw away our Indians from us & even to set them & their own Indians on destroy^{g} our Plantations, as I suppose your Lordships have had a late account from Governor Philips of their contriving the disaster of Coreso in Nova Scotia this has no remedy but being as active as they in drawing Indians into our Interests, which our ability to furnish them with European Goods is alone sufficient to do, if we can but come at them and prevent the French from interrupting us. Besides the greatest part of these Indians are yet either unknown or at least independent and too distant to be treated by them or us in any other ways than upon the square by a fair Trade for their Furrs in exchange for our woollen goods. Now to enable me to go through this there is nothing so much wanted as the Act before mentioned for repairing and making Fortifications and other incident charges of Government by laying 2 Per Cent on European Goods, which I most earnestly recommend to your Lordships favorable representation I can not forbear on this occasion to recommend to your Lordships to obtain a sign manual for Philip Levingstone Esq^{re} to be secretary of the Indian affairs for the reasons assigned in the enclosed memorial from Robert Levingstone his Father who has enjoyed that office under King William & Queen Anne by virtue of their sign manual whereof Copies are enclosed in the said memorial he now desires to have his son who is a worth capable man in his room, and this I am the more ernest in, because Robert Livingstone the speaker of the Assembly has been always serviceable to Brigadier Hunter & has now been of the greatest use to me both in the assembly, and in laying open the true state of affairs with the Indians which others endeavor^{d} to conceal from me that they might continue the profit they make by this pernicious Trade so that this act prohibiting it is cheifly owing to the Speaker

I can not take my leave of your Lordships after this long letter without reminding you of the pressing occasions I have for presents to the Indians, Stores to the Forts & that instruction which I desired, & which will make any assembly tractable I am with the greatest respect

My Lords Y^{r} Ldp^{s}

most obedient & humble S^{t}

sg^{d} W Burnet

Post Script

My Lords

Since I finished my letter but before that my packet was made up the Secretary brought me the Act entituled "*An Act to lay a duty of two pounds on every hundred pounds value prime cost of all European Goods imported into this Colony.*" which leads me to add some further observations upon that Act.

The Duty their laid of 2 per cent on European goods was the main support of Government for 18 years which appears by the following Acts which are not to be found in the New Book of New York Laws because they are now expired but will be found in Rolls lying in the Office.

1 In 1619[1] was passed an Act for establishing a Revenue for the defraying the public charges of the Province where this duty of 2 Per Cent on all merchandize imported (except Rum & wines before taxed in the same Act is laid for two years

2 In an Act passed in 1692 of like title where the same duty is continued for 2 years longer

3 In an Act passed in the year 1693 the same duty was continued for five years more.

4 In an Act passed in 1699 the same was continued for 6 years more.

5 In an Act passed in 1702 the same duty was continued for three years more so that it did not expire till the year 1709

I know of no Reason why this Act has not been continued since but that my Lord Clarendon made so ill a use of the publick money by misapplying it & squandering it away that the Assembly would not repose that trust and confidence longer in a Governor & indeed would not give any Revenue for four years after Brigadeer Hunter arrived & then but a scanty one Whereas now his prudent and just administration has brought the Assembly which he left into a better temper, and they are come into this to support the Government in all its parts for five years to come and because this law relates to the trade of great Britain it has a clause in it declaring it of no force till confirmed by His Majesty, so that I hope no objection will lye against it, it being an easy triffling duty on the importer and of the greatest Service to the Province all which is humbly submitted to your Lordships great wisdom by

My Lords,

Your Lordships most

Obedient & mo dutiful humble

Servant

27 Nov^{r} 1720. W Burnet

Secretary Popple to Governor Burnet.

[New-York Entries, K., 241.]

To W^{m} Burnet Esq^{r}:

Sir

A Petition to the Lords Justices in behalf of the Palatines settled in New York having been referr'd to the Lords Cômis^{rs} for Trade and Plantations their Lordships have cômanded me

[1] 1691.—Ed.

to send you enclosed copy thereof and of Brigad: Hunters letter to me thereupon as also a copy of a Petition to my Lords Cômiss^{rs} and the case of the said Palatines And to desire you will inform yourselves of & acquaint their Lordships with y^{e} true state of the several settlements of the Palatines in your Government and endeavour to settle those among them who behave themselves with dutiful submission to his Majesty's Authority and are destitute of means of subsistance upon such convenient lands as are not already disposed of

Their Lordships further cômand me to transmit you y^{e} inclosed Copy of a letter which Col: Spotwood Lieut^{t} Gov^{r} of Virginia some time since acquainted my Lords Comis^{rs} he had sent to Col: Schuyler Presid^{t} of the Council of New York[1] relating to the behaviour of the five nations of Indians bordering that Gov^{t} and you'l herewith receive by their Lordships order for your information a copy of what they write to Col: Spotwood the 14 of July last, upon that subject, I am

Sir

Your most obedient

Whitehall humble Servant

Nov: 29. 1720 W^{m} Poppl

Governor Burnet to the Lords of Trade.

[New-York Papers, Cc., 58.]

My Lords

I have herewith sent your Lordships a duplicate of my last letter which has prevented me from giving your Lordships much more trouble at this time only to inform you that I sent by this Packet all Acts passed this session and

1 A Duplicate of that which I sent by my last laying a duty of 2 Per cent on European Goods which there is great occasion to have confirmed with all possible dispatch, for the services proposed by it

2 As to the Act for a five years support of Government there is no material alteration in it from that passed by Brigadier Hunter except in laying a farther duty on Salt imported of 3 pence per bushell and of 2 pence per Gallon on Molasses and reducing the duty on Cocoa from 8 shillings to 4 per Bag. There is likewise an alteration made in one Art. where peculiar favor was given to Vessels belonging to owners wholly of this Colony, I have got these words added, "*or of Great Britain*" This Act for great conveniency commences immediately and so repeals the former Act for, the same purposes

3 The Act for prohibiting Trade with the French Indian Goods does not include a prohibition for trading with them for christian goods, those Goods consumed by Christians, because the Assembly thought the country gainers by that Trade, and it was of detriment to the French, since they take no corn or absolute necessarys for life of us, but only such things as promote Luxury among them This occasioned their restraining the penalty to Goods which the French can sell again to the Indians & thereby keep them in dependance

[1] See ante, p. 548, *Note.* — Ed.

4 There is an Act passed for continuing the Excise under the management of certain commissioners therein named, which is to make that branch of the five years support effective

5 There is an other Act passed to continue Bills of Credit that should have been cancelled now till the first of July next which is in order to stop a present deficiency

6 There is an other act to regulate the publick vendue, which is another Branch of the Revenue

7 There is an Act to raise the value of Lyon Dollars which were apprehended to be all carried out of the Province, because under their proportion in value to other foreign coin

8 There is an Act to regulate the militia

9 And an other to mend the Highways

10 And an other to encourage Whale Fishing—and five more private Acts

I add a Copy of the Minutes of Councill from the 17 June 1720 till the 28 of Nov 1720 &

An Account of all shipps entered inwards & outwards for two quarters last past

Having been so tedious in my former letter, I thought it my duty this time to be as short as I could having nothing material to enlarge upon—I am with great respect & &c

Your Lordships &c

14 Dec. 1720. sg[d] W Burnet

Lords of Trade to Governor Burnet.

[New-York Entries, K., 245.]

To W[m] Burnet Esq:

Sir

We congratulate you on your safe Arrival in your Government of which your letter of the 24 of Sept: last brought us an Account, and we shall be glad to hear of your good Success with the Assembly.

We have considered the Reasons & Opinions transmitted with your letter of y[e] 17 of Oct[r] last to our Sec[ry] for your continuing the same Assembly which was called by your Predecessors and have nothing to object thereto, the practice being exactly conformable to that in Ireland where one Parliament has subsisted under different Gov[rs] since his Majesty's Accession to the Throne

We have laid before his Majesty what you desired in relation to the usual Presents for the five Nations of Indians and also the Ordnance stores you judge necessary for the Garrisons in New York, and you may always depend on our assistance and endeavours to procure for you whatever shall be judged expedient for the Service and good Government of your Province. So we bid you heartily farewell and are

Your very loving Friends
& humble Servants
Westmorland
T. Pelham
M. Bladen
Edw[d] Ashe

Whitehall
Dec y[e] 28. 1720

Governor Burnet to the Lords of Trade.

[New-York Papers, Cc., 62.]

Burlington 9 Mar. $172\frac{0}{1}$.

My Lords

I take the first opportunity to acquaint your Lordships of the death of Caleb Heathcot Surveyor General of the Customs for the Northern district, Judge of the Admiralty and one of His Majesty's Council for the province of New York. I don't recommend any person for his other employments, but for his place in Council I humbly recommend to your Lordships, that after Cadwallador Colden, & James Alexander are appointed in the room of Peter Schuyler and Adolphus Philips whom I formerly desired might be dismissed, that your Lordships would be pleased in the third place to recommend Lewis Morris Junr to fill the room of Caleb Heathcote in His Matys council for New York

I am just arrived here to meet the Assembly for Jersey but can not at present give any account of this Province.

I am My Lords

Your Lordships most

obedient & most humble St

W Burnet

Mr Heathcot died on the 27 Feby

P S

I have just received news from Albany that the Trade with the French is quite broken and that as the severity of the Act quite discourages the traders from attempting it They are willing at their own charge to begin a trade through our 5 Nations means with the Far Indians, and are going to be at charge and risque for that purpose, even before a regular Settlement is made as proposed which news gives me great satisfaction and is a beginning to a better state of affairs that way that has ever been yet known and of the greatest consequence to the welfare and prosperity of all the British Platations The Suddenness of the opportunity hinders my being so full as I should be which I hope yr Lps will pardon.

Lords of Trade to Lord Carteret.

[New-York Entries, K., 258.]

To the Rt Honble the Lord Carteret

My Lord,

Having prepared the enclosed Representation upon a letter we have received from Mr Burnet his Majesty's Governor of New York relating to Mr Livingstons resigning his Places in that Province to his son We desire your Lordship will please to lay the same before his Majesty. We are My Lord

Your Lordships

most obedient &

most humble Servants

J. Chetwynd

D. Pulteney

Edw: Ashe

M. Bladen

Whitehall

June 13, 1721

To the Kings most Excell^{t} Majesty

May it please your Majesty

M^{r} Burnet your Majesty's Governor of New York having represented to us that Robert Livingston Esq: has been very serviceable ever since the year 1675, in all the transactions and Treaties with the five Nations of Indians at New York in so much that his late Majesty King William upon the recommendation of the Lords of the Committee of Trade & Plantations and the then Lords of y^{e} Treasury did grant him a sign Manual to be Secretary for the Indian Affairs in that Province with the allowance of one hundred pounds Sterl: p^{r} annum out of y^{e} Revenue of New York, as also to be town Clerk of the Peace & Clerk of ye Cômon Pleas in the City and County of Albany with the usual fees and perquisites according to his Commission a copy whereof is hereunto annexed and upon the demise of his Majesty King William, her late Majesty Queen Anne was pleased in y^{e} year 1705 to renew the said Commission

And whereas the said Robert Livingston has been taken up in the publick affairs of that Province particularly of late as speaker of the Assembly and his son Philip Livingston having for many years executed the forementioned Places has his Deputy, and he being now grown old & infirm dos humbly pray that your Majesty would be graciously pleased to grant the said places to his said son Philip in the same manner as he enjoyed them

And M^{r} Burnet having recommended the s^{d} Philip Livingston to us as a person every way qualify'd for those employments and deserving of your Majesty's favour in that particular We humbly offer that your Majesty be graciously pleased to grant him a Commission for the said employments which his father is now desirous to resign

Which is most humbly submitted

J. Chetwynd
D. Pulteney
Edw: Ashe
M: Bladen

Whitehall
June 13. 1721

Governor Burnet to the Lords of Trade.

[New-York Papers, Cc., 67.]

New York 18 June 1721

My Lord,

I received your Lôrdps of the 28 December last and was very glad to have your Lordships approbation of my continuing the same Assembly of New York I have found the good effects of it of which I have given particular accounts formerly and as they are now sitting I hope I shall find them in the same dispositions of which I have no doubt

I wish I could say the same thing of the Assembly of New Jersey who have sat about 4 months to no manner of purpose, they began with refusing to sit at all, and desired to be dissolved for they were not a legal Assembly I at last perswaded them to meet but to no effect, but to shew that they would not serve either the Government or the Country which after four months patience obliged me to dissolve them, when I am prepared I will send your

Lordships, the printed speeches and addresses during that sitting which contain the full History of it and make your Lordships some proposal concerning them. I have received from Mr Popple by your Lordships order the petitions and case of the Palatines and Brigadier Hunters letter & a memorial from Coll Spotswood I will make it my business to inform myself as directed by your Lordship concerning the state of the Palatines and that I shall do best when I go up to Albany near which they are settled, and this I propose to do in the fall of the year & shall then transmit to your Lordships what I find most for the general good, in the manner of disposing of the Palatines many of whom now live in other mens lands, I have yet received no commands from your Lordships since december last, the Grey hound Man of War being not yet arrived and am with the greatest respect

My Lords

our Lordps most

Obedient & dutiful Servt

W Burnet

Post Script

Tho I have not yet a perfect account of the methods lately tryed to seduce the Sinnekees one of the five nations into the French Interest I am certainly informed that they have agreed to receive Priests among them from the French which I look upon as a new cause of complaint against them and a Breach of Treaty whereby they are required (Treaty of Utrict Art 15) *not to molest the five nations*, this besides their continuing to fortify at Niagara shew how much they take advantage of the unsettled state of the limits between the Crowns

I am

My Lords

Your Lordships mo obt

Humble Servant

(Signed) W Burnet

My Lords

Herewith is a copy of what I writ to your Lordships on the 18 instant I have not any new matters to trouble your Lordships with at present but only to transmitt the Naval officers accounts to March 25. 1721

I am

My Lords

Your Lordships

Most dutyful & most

obedient humble Servt

W Burnet

Governor Burnet to the Lords of Trade.

[New-York Papers, Cc., 68.]

N York 12th July 1721

My Lords

I take this occasion to send your Lordships a translation of a journal of all the french proceedings for this year past, as it was given me by the author a French Recollet Priest who is come over to us from Canada and is desirous to go to England, He is as he says of a

Huguenot family and has long been desirous to leave his order & change his way of life and religion, I may now brag to your Lordships that our Law against Trade with Canada has brought an immense number of Indians of far Nations to flock together to Albany. The French being now unabled to supply them with goods this I hope is the beginning of a new interest in the Indians which will at the same time occasion great jealousy from the French against whom it is extreemly necessary to be prepared in all events which I hope we shall be prepared for when that act which waits for approbation from home comes back confirmed.

I have received your Lordships orders of 21 March with Mr Smith who arrived last week in the Grayhound man of war, and will do what I can possibly to serve him, thō' when I send your Lordships all the transactions of the assembly of that Province you will see in how unlikely a temper, they are to do any thing right I hope soon to send the Minutes of the Council of that Province which with the printed speeches and Bill for the Revenue which give their full History will I hope be ready to go by the return of the man of war, from hence. I shall be glad if the inclosed memorial meets with your Lordships approbation, I believe it very just & perfectly agreeing with the account our people give of the transactions between the French & Indians of the five nations, only that here some of the Councels are explained, of matters whereof we had heard only the results. The last port agrees too with our interpreters report who says that the Senecas were grown colder to the French and did not now care to receive either Priests or Smiths from them tho' they had agreed to it last year—I am going to Albany in August at which time I will enquire into the case of the Palatines more particularly & how they may be settled, according to your Lordships commands of 29 Nov and your Letter which I received renewing them by, Sheet,[1] one of the Palatines who came by the Greyhound man [of war] and which was dated Mar. 8th $172\frac{0}{1}$

I have not yet received any account of the presents to be sent to the Indians or of the stores so much wanted by the Troops here I hope your Lordships just representation in behalf of this Province on these heads will have their full weight with His Majesty as they lay a great obligation on the people and particularly on

My Lords
Your Lordships
Most obedient & most
dutiful humble Servt
Sgd W Burnet

[In the Duplicate Cc No 70, is added the following Postcript]

My Lords

I take liberty to recommend the author of the within Memorial to your Lordships for your favor He is capable of giving you the best account of the present State of Canada and deserves in my humble opinion some reward for his information I hope your Lordships will not think this an improper request and am

My Lords
Your Lordships
Most faithful &
obedient Servant.
(signed) W Burnet

I have made him the bearer of this letter, that it may introduce him to your Lordship

[1] Scheef, see note, ante, p. 575.—Ed.

Mr. Durant's Memorial relative to French Post at Niagara.

[New-York Papers, Co., 69.]

Memorial of what passed concerning the Establishment of a Post which the French have built at Niagara for the Trade of Pelletrie

In the year 1718 came orders from the court of France to establish a Trade for the Benefit of the King in the circuit of the Lake ontario and there to build Magazines as well upon the North as the south side thereof

In the year 1719 in the beginning of Harvest the Sieur Joncaire, Lieutenant of a Detachment of Marine Troups and interpreter was sent in obedience to the said orders by monsieur the Marquis de Vaudreuil & by Monsieur Begon for to try the minds of the Sinnekees & to see if they could engage them to consent to the building of a house upon their Land, and to maintain that settlement in case the English would oppose it, this Message which they sent them was accompanied with some belts of Wampum, and other Presents, consisting of Powder Lead, Brandie and other small Merchandizes

The said Sieur de Joncaire wintered partly at the Great and partly at the little village of the Sinnekees and departed thence at the breaking up of the Ice for the Fort of the Cataracouy where he had orders to take provisions and Merchandizes for to trade at Niagara in case he could dispose the Sennekees to his Interest

He arrived at the Fort about the beginning of May 1720 where I had been in quality of a Missionary ever since the month of November 1719

At his arrival a Council met as well of French as of Indians when the Sieur de Joncaire said that the Senekas had favorably received the Message which he had carried them from M^{r} de Vandreuil & produced several bundles of Pelletrie By which the said Indians answered, Father *Onontkio* (who is Mr de Vaudreuil) and their uncle Sononchiez (who is the Sieur de Joncaire) were the masters of their land and that the Indians consented not only to the building of the House of Niagara but also engaged themselves to maintain it, And if the English should undertake to demolish it they must first take up the hatchet against the Cabanes of the two villages of the Sennekas,

The Sieur Joncaire remain^{d} only at the Fort of Catarcouy for 10 or 12 days & then returned to Niagara with the Sieur de la Corne son of Monsieur de la Corne Captain and Major of the Town of Montreal, they had with them eight Soldiers, who conducted a Canoe of Merchandize consisting of some pieces of Blew Cloth three dozen or thereabouts of white Blankets for the use of the Indians half a Barrell of Brandy &c

At their arrival at Niagara the Sieur de Joncaire & la Corne caused to be built in haste a kind of Cabbin of Bark where they displayed the Kings Colors & honored it with the name of the Magazine Royal The Sieur de la Corne had a commission of M^{r} Begon to winter in the said Post, and there to trade the Sieur de Joncaire left him there with two Soldiers and afterward returned to Cataracouy where he arrived the 24 or 25 of July he staid here but two days I embarqued in His Canoe and we made a voyage together to Quebec where we arrived the third of September 1720. When we arrived we went to salute Monsieur de Vandreuil & Mr Begon to each of whom the Sieur de Joncaire presented a memorial containing what I have above related

The next day the Sieur de Joncaire received orders to return immediately to Niagara with the Title of Commandant which was given him for the first time There was joined to that

new dignity the inspection of the Magazine established in the Lake of Ontario This Magazine is situate on the West of the Lake for the Trade with the Missasagué other wise called the Round Heads distant about thirty leagues from that of Niagara, The house at the bottom of the Lake was built by the Sieur de Anville a little after that of Niagara. Sieur D'Agneaux built also one on his side on the North of the Lake in the bottom of a Bay called the Bay of Quinté to trade with the Outaouais, Quinté is about thirty legues from the Fort of Cataracouy The Merchandize which are carried there are taken out of the Magazine of the Fort of Cataracouy, They leave to winter in all their new posts but one Store Keeper & two Soldiers

The Sieur de Joncaire departed for to winter at Niagara with two Canoes laden with Merchandize taken out of the Kings Magazine at Montreal this was about the middle of October 1720 He had twelve soldiers whereof he sent six when he arrived at the Fort of Cataraqué He pursued afterwards his voyage but the Ice stopped him 35 leagues from the mouth of the River of Niagara where he was obliged to go into an other River called Gasionchiagon[1] where he passed the winter which did abundance of damage to the trading because that the magazine of Niagara was without Merchandize till the Spring The Sieur D'Ouville had stayed there alone with a soldier waiting the Sieur de Joncaire ·

I departed from Montreal the third of November for Cataracouy where I arrived the 22nd of the same month

The fourth of May this present year 1721 we had advice by a Canoe of Abenakis which brought a letter to Mr de Noyan Commandant of the Fort of Cataracouy that Mr de Longueville Governor of the Town of Three Rivers Mr de Cinneville Captain Mr de Cavagnale third son of M. de Vandreuil, Mr de Laubinois commissary of the Ordnance of Montreal & the Sieur de la Chauvinierie Ensign & Interpreter wear about twelve leagues from the Fort where they were coming They arrived the same day at Cataracouy at eleven at night They had three boats of the Kings conducted every one by six soldiers, besides the Valets and Cooks, their number amounting, with the officers, to 28 men,

The 5th of May in the morning Mr de Longueville told us he had orders from the Court to join the Sieur de Joncaire at Niagara and to go with him & the Sieur de la Chauvinerie to the Village of the Sinnekees to thank them by Presents for the good will they had shown to the French That the Seneca's should go to the Villages of the Onondagues and call together the Cheifs of the other four nations who had formerly declared themselves in favor of the English & that the intention of the Court was that they should engage them to join with the Senekas for to refuse the English Passage through their Lands in case they should take the resolution of demolishing by Force the Magazine of Niagara Every one told his thoughts upon the orders received by Mr de Longville, the Sentiments were divided the greatest part did maintain that the English ought not to oppose the building of the Magazine of Niagara seeing that the Country upon which the House is Built is not the Country of the Sinnekas, but that of an other nation of Indians which has been entirely destroyed by the Iroquois, Those of the contrary sentiment pretended that the English had reason to complain of the establishment of that new Post, seeing it was a breach of the Treaty of Peace made at Utrecht by which the five Indian Nations are declared dependants of the English, The Reason which the first brought. "That Niagara is not the countrey of the Sinnekees but a countrey conquered by them was very well refuted but in the mean time the Result was that Mr de Longuevil should depart two days after for to execute the orders of the court

[1] Gasconchiagon, or the Genesee. — Ed.

Monsieur de Cinnevil & Mr de la Cavagnale had undertaken that voyage only out of Curiosity of seeing the fall of the water of Niagara Mr de Laubinois commissary of the Ordnance had orders to take an account of the effects remaining in the Magazine at the Fort of Cataracouy, of the Post of Niagara, of that of the Bottom of ye Lake & of that of *Quinté* which he executed in making with us the Tour of the Lake Ontorio

The 8th of May these Gentlemen departed from the Fort of Cataracouy Mr de Noyan Commandant of the said place made himself one and engaged me to make the voyage with him he fitted a Canoe with four soldiers and an Indian we reached about noon the Isle of Tonty distant about five leagues from Cataracouy we found there two Bark Canoes each big enough for 8 men laden with Merchandize conducted each by three Canada travellers who waited for us, one of the Canoes carried the Merchandize appointed for the Magazine of Niagara, the other was going to trade in the lake Erie & to the Miamis

The 19th of May we arrived at Niagara

On the 21st arrived two canoes in the one of which there was a Jesuite[1] with four Travellers This Jesuite was sent by the Court of France for to discover the West Sea and the other was laden with Merchandize for the Trade of the Strait[2] so that now we were about fifty French met together at the Portage of Niagara.

On the 22nd M de Longuevil departed for to go to the Seneka villages with the Sieurs de Joncaire & La Chauvinerie

And we embarked the same day M. de Cinnevil Monsieur de Cavagnale Mr de Noyan, M de Laubinois & myself for to return to Cataracouy by the North Side of the Lake Ontario we having come to the Niagara by the south side.

The 13th of June I departed from Cataracouy for to come to Albany with the Indians

The 20th of the said month I met at the mouth of the River Choueguen, the Sieur de Joncaire who was coming back from Onondague Villages I asked him what he had done with these savages upon the subject of the voyage which he had undertaken to them he answered me; I have beat the Bush & Mr de Longuevil will take the birds Our voyage will do him honor at the Court of France & explained himself no further

The next day being the 21st June I met Mr Longuevil & the Sieur de la Chauvinerie in the River of Choueguen above the Cascade I saluted them & asked them if their voyage had succeeded & if they had engaged the five nations to defend the Post of Niagara He told me that he had assembled the cheifs of the Sennekas Cayouges, Oneidas & Onondagues he also spoke nothing to me of the Maquaes & said that these four nations had given him good words, I would have entered with him into a longer detail but he answered me that he would tell me more at large of what he had done when I should return to montreal He added that he was straitned for time and begged I would not stopp him more because he had a fair wind to go into the Lake Ontorio so we parted and I pursued my way on my part. I arrived at Albany Saturday the fifth of July according to the French style.

Note That the Keeper of the Magazine of Fort Frontenac received a letter of Mr Begon in the beginning of the last Spring by which he had advice that M Le Conte de Toulouse & the Council of Sea affairs, did not judge it proper to send blew cloths & Red to Canada by reason of the excessive price which they cost in France & the Officer of the Fort of Cataracouy was commanded to perswade the Indians to content themselves with Red and brown Coarse

[1] Father de Charlevoix, who says he arrived at Niagara on the 22nd of May. *Journal Historique*, Lettre XIV. — Ed.

[2] Detroit.

Serges which was sent to the Magazines. But the Indians declared in my presence that the would not have these Serges & that they would go for the future to Albany to trade with their Pelletrie so long as the French brought them no cloathes which is already happened three Canoes of Indians from Cataracouy itself being come to trade at Corlaierd and at Albany

I attest that the contents of this present Memorial is true
made at New York this 1 of July 1721

JOHN DURANT State
Chaplain to the Fort
of Cataracouy

State of the British Plantations in America, in 1721.

[Board of Trade, Pls. Genl. (E.), No. 38; King's Ms., 205, p. 1.]

Copy of a Representation of the Lords Commissioners for Trade and Plantations to the King upon the State of His Majesties Colonies & Plantations on the Continent of North America, dated September the 8th 1721.

To the KING'S MOST EXCELLENT MAJESTY.

May it please your Majesty.

In obedience to your Majesty's commands, we have prepared the following state of your Majesty's Plantations on the Continent of America; wherein we have distinguished their respective situations, Governments, strengths and Trade, and have observed of what importance their commerce is to Great Britain, whereunto having added an account of the french settlements, and of the encroachments they have made in your Majesty's colonies in those parts; we have humbly proposed such methods, as may best prevent the increase of an evil, which, if not timely prevented, may prove destructive to your Majesty's interest; and have likewise offered such considerations, as, in our opinion, may contribute to the improving and enlarging your Majesty's dominions in America.

Your Majesty's plantations on the Continent of America, beginning from the North, are Nova Scotia, New Hampshire, Massachusets, Rhode Island, Connecticut, New York, New Jersey, Pensylvania, Maryland Virginia, & Carolina.

And although Newfoundland, and Hudson's Bay are both of them parts of your Majesty's Territories in North America, yet neither of them being a Colony under civil Government, or lying contiguous to your Majesty's other Plantations on the continent, we have made no mention of them in this represention.

NOVA SCOTIA.

Nova Scotia, as appears by the Patent granted by your Majesty's Royal predecessor King James the First to Sir William Alexander (afterwards created Earl of Sterling) bearing date the 10th of September 1621, contains all the lands and Islands, lying within the promontory, commonly called Cape Sables, being in forty three degrees of North Latitude, or thereabouts, thence westerly to the Bay, commonly called St Mary's Bay, & from thence Northerly in a straight line by the mouth of that great Bay (which runs easterly up the Country, & divides the two nations called Suriquois & Etichimenes) to the river Saint Croix, thence westerly to the head of that River, thence northerly to the next bay, which discharges itself in the River St Lawrence; thence Easterly along the coast to the Bay of Gaspé, thence south-easterly to the Bacalio Islands, or Cape Breton, & leaving that Island on the right, and the Gulph of St Lawrence & Newfoundland, and the Islands thereto belonging on the left, thence to Cape Breton, in the Latitude of 45 degrees, or thereabouts, thence South west to Cape Sables again.

We have made use of this ancient Charter fixing the boundaries of Nova Scotia, because the french are daily setting up new pretensions to a very great part of this Province altho' the 12th article of the treaty concluded at Utrecht, expressly provides, that Nova Scotia shall be given up with its Ancient boundaries, & nothing is excepted out of this cession but Cape Breton, & the other Islands, lying in the mouth of the river of Saint Lawrence, & the Gulph of the same name.

The Government of this province, both Civil & Military, is entirely in your Majesty; but as there are hitherto only two or three English families settled here, besides the Garrison of Annapolis, there is very little room for the exercise of Civil Government; neither has your Majesty any revenue in this Country, the lands not being yet peopled, & granted out upon quit rents, as in the other Colonies. There are two Towns in this Province, besides Annapolis; Minas, & Sheganektoo, both settled by french inhabitants, about 2500 persons in number, who have remained there ever since the cession of this Country to Her late Majesty, but are entirely in the french interest, & by their communication & intermarriages with the neighboring Indians have gained them to their party; whereby they are enabled upon any occasion to engage the said Indians in a war against your Majesty's Subjects, & by some late accounts from Nova Scotia, there is too much reason to believe, that they do, at this present juncture, use their endeavours to instigate the said Indians against the Garrison of Annapolis, & others your Majesty's subjects fishing at Canço, & upon the Coast of Nova Scotia.

The little trade, derived in this Country at present, is entirely in the hands of these french inhabitants. It consists chiefly in fish, which is more plentiful here, than on any other coast of America; they have likewise some furrs & Cattle, but whatever products or Merchandize the french inhabitants have to dispose of, is transported by them either to Cape Breton, Quebec, or directly to France, which is to the prejudice of Great Britain; for which reason, as well as many others, it is absolutely necessary for your Majesty's service, that these french inhabitants should be removed; for it is not to be expected, that they will ever become good subjects to Your Majesty, & there is all the reason in the world to apprehend, that, upon any rupture between the two Crowns, they may openly declare in favour of france.

It was provided by the Treaty of Utrecht, that the french inhabitants of Nova Scotia should have a year allowed them to remove from thence, with their effects; but they have long since lapsed that time, & such as remained beyond it were, by the said Treaty, to become subjects

to Her late Majesty; but these people, being influenced by their Priests, have hitherto unanimously refused to take the oaths of Allegiance to your Majesty, unless they may be allowed an exception in favour of France, which would render their engagements to your Majesty entirely ineffectual.

But as we foresaw, that difficulties were likely to arise upon this subject, so in the instructions which we prepared for Colonel Philipps, Your Majesties Governor of this Province, a provision was made for this Case, & he is enjoined to prohibit the said french inhabitants refusing to take the Oaths, the liberty of fishing on the Coasts, and to prevent their removing their effects, till your Majesty's further pleasure shall be known; & considering their behaviour, we are of opinion it will be for your Majesty's service that they should be ordered to quit the Province.

But as to their effects, in regard of the friendship subsisting between the two Nations, provided the said French inhabitants do leave their immovable effects, such as Barns, & dwelling houses, in good condition, we should humbly conceive, they might by your Majesty's special Grace and favour, be allowed to carry off, to such place as they shall think most convenient, all their moveables.

Upon their removal this Province will become almost entirely unpeopled; and as it is the Northern frontier to your Majesty's Colonies, we think it is of the highest consequence, that the same should be settled as soon as possible: which reason, we would humbly propose to your Majesty, the sending four Regiments thither; and altho' we are sensible of the expence this would occasion for some time to Great Britain, yet we believe, the same will not be thought unreasonable, considering the inclination the french have shewn to encroach upon your Majesty's frontiers in these parts, the great strength they have at Cape Breton, in the neighbourhood of this Province, which will be increased by the removal of the frenca inhabitants from Nova Scotia, (altho' that will be a much less evil than suffering them to remain where they are,) and that no other way, so speedy as this, can be proposed for peopling of Nova Scotia.

We are likewise of opinion, that all due encouragement should be given to such of your Majesty's subjects, as shall be willing to settle in this Province; and that your Majesty's Governor may be enabled to pursue his Instructions upon this head, we take the liberty to lay before Your Majesty the necessity there is, that your Majesty's Surveyor General of the woods should be forthwith ordered to repair to Nova Scotia, there to set apart 200,000 Acres in certain tracts of Land, contiguous to the Sea Coast or Navigable rivers, proper for producing of masts & other timber for the service of your Majesty's Royal Navy; for after this shall be done, & not before, the said Governor is empowered by his Instructions, to make Grants of land in small parcels, under the Quit rent reserved to your Majesty of one shilling, or three pounds of hemp for the service of your Royal Navy, for every fifty Acres.

If this Country was well settled, it would be capable of a very extensive trade. There are to be had as good masts, as any in all America, in great plenty. Pitch, Tar, Rozin & Turpentine may be made in all parts of the Country; & Hemp & Flax might be raised there without great expense; to which, in our opinion, all due encouragement should be given, that Great Britain may in time, become independent of her Northern neighbours for Naval Stores.

But the branch of Trade in this Country, which seems most capable of immediate improvement, is that of the fishery upon the Coast, from Cape Sable, to the gut of Canço, which is perhaps more valuable than any other in America; but for want of protection against the Indians,

Inhabiting Nova Scotia, who are entirely in the French interest, few British Vessels dare to venture to cure their fish there; & the French from Cape Breton, contrary to the Treaty of Utrecht (by which they are expressly excluded from all kind of fishing on the coasts which lie towards the East beginning from the Island commonly called Sables inclusively, and thence stretching along towards the South west,) ingross almost the entire benefit of this valuable trade, to which they have set up an unreasonable pretence, as appears by the daily disputes we have with them concerning the fishery at Canço; for which reasons, it would be for your Majesties Service, that some small Forts might be built without loss of time, in proper places upon the Coast & Islands from Cape Sables to the Gut of Canço, for the security of this Trade, & particularly on Saint George's Island, which is one of those that form the Cape of Canço, & has the greater Command of the little Bay there; which will be the more necessary, in regard that there are no Forts or fortifications in this Province, but one at Annapolis Royal, in the Bay of Fundy, with a Garrison of five companies of about forty men each; whereas the french at Cape Breton are very strong, having built two considerable Forts there, give all manner of encouragement to such people as are willing to settle with them, & are actually settling some other Islands on the Coast of Nova Scotia.

It will likewise be of great importance, that a small man of War should be constantly employed to attend this Colony, which has at present so many difficulties to struggle with.

NEW HAMPSHIRE.

The next Province is that of New Hampshire. The soil belongs to a proprietor, but the Government is in your Majesty. This Colony lies between the Massachusets Bay & the province of Maine, which last is comprehended in the Charter of the Massachusets Bay. King James the First, did, by his Letters patents of the third of November in the 18th year of his Reign, grant to the Duke of Lenox (under the name of the Council of Plymouth) "All that part & portion of that Country, now commonly called New England, which is situate, lying & being between the Latitude of 40 degrees & 48 of Northerly Latitude, together with the Seas & Islands lying within one hundred miles of any part of the said coast of the country aforesaid."

The Council of Plymouth did, by their Indenture of the 7th November 1629, in the 5th year of the Reign of King Charles the First, grant to John Mason of London Esq. that tract of Land now called New Hampshire, the boundaries whereof are as follow, viz^{t}

"All that part of the main Land in New England, lying upon the Sea coast, beginning from the middle part of Merrymack river, & from thence to proceed northwards along the Sea coast to Piscattaway River, & so forwards, up within the said River, & to the furthest head thereof; & from thence Northwestward, until sixty miles be finished from the first entrance of Piscattaway River & also from Merrimack through the said River, and to the furthest head thereof, & so forward up into the Land Westward, until Sixty miles be finished; & from thence to cross over land to the sixty miles end, accounted from Piscattaway River; together with all Islands & Islets within five Leagues distance of the premises, and abutting upon the same or any part or parcel thereof."

At first this Province was under the Government of the Massachusets Bay; but in the year 1679 King Charles the second separated it from the Massachusets Bay & appointed a President & Council to govern the same; & in the year 1681, His said Majesty appointed Edward Cranfield His Governor of this Province; when the said Mason did, for the support

of the Governor and the Government, surrender to His Majesty his right to all fines & forfeitures, which should arise or happen in the said Province, as also one full fifth part of all such Rents, revenues & profits, as should from time to time arise to him, his heirs, or Assigns, out of the said province.

The property of the lands here was some years afterwards sold by Mason to one Allen whose heirs or Assigns are now in possession of them.

The number of people in this Province upon the arrival of Colonel Shute, the present Governor, in the year 1716, was computed at about 9000, of which there were 1500 men, very few white servants, and 150 blacks: the increase during the last four years, was about 500.

The Indians, that bordered upon this Province, are those which are called the eastern Indians, entirely in the french interest.

Lumber, Fish, Masts for the Royal Navy, & Turpentine are the chief produce of this Province; they build some ships, but not so many since the last war as before; they have some mines, which produce very good Iron, tho' but little of it hath been hitherto forged; there are likewise great quantities of Stone, in which 'tis believed there may be silver. The annual produce of these commodities is very uncertain, the price falling & rising according to the demand there is for them, seldom exceeding £50,000 per Annum of New England money.

This Province would produce hemp & flax if proper encouragement were given for it, & the people had good seed for the first sowing.

They export their Lumber, & some part of their fish to the neighbouring Governments of the West Indies, & to the Western Islands, from whence they get their Wines. They likewise have sent some Lumber, tar & Turpentine of late to this Kingdom, in exchange for linnen & woolen manufactures; but they have some supplies of this kind from Ireland also, either directly or by way of other plantations. Their best & most merchantable fish is exported to Portugal & Italy & the produce of it generally remitted to this Kingdom except what is returned in Salt for the fishery.

Their fishing is much increased since the Peace with France, but the Lumber trade decreased, by reason of the low price it bears in the West Indies, & the little encouragement there is to send it to this Kingdom, because of the duties on that commodity here.

The Ships, trading directly from this Province to foreign parts, are now very few, not exceeding 20 in number, but they have about 100 fishing vessels, & the number of sea faring men is near 400, tho' many of them not settled Inhabitants there; and there are no manufactures carried on in this province.

There is but one fortification in this Colony, called Castle William and Mary which is situate at the mouth of the harbour of Piscattaway, on which there are forty two Guns mounted, & it is in a tolerable state of defence.

The constitution of this Province is the same with all others, immediately under your Majesty's Government in America. They have a Governor, Council & Assembly.

The Governor & Lieutenant Governor for the time being, are appointed by your Majesty, as is the Council, which consists of twelve persons. The Assembly are elected by the people, & consists of fifteen, but the Revenue of this Province is hitherto very insignificant.

MASSACHUSET'S BAY.

The Province of the Massachuset's Bay, was by letters Patent from King James the First, dated the 3rd of November in the 18th Year of his reign, granted to the Council established at Plymouth, & the said Council did, by an Indenture under their Common Seal, bearing date the 19th day of March, in the 3d year of the reign of King Charles the first, grant all the said Lands mentioned therein to certain persons, their heirs & assigns, which was confirmed by the said King Charles in the fourth year of his reign. However, in 1684 a judgment being given in the Court of Chancery upon a scire facias, the said patent was vacated by King Charles the second.

But upon a Petition of the Agents of that Colony to their late Majesties King William & Queen Mary, praying to be re-incorporated, as formerly, their said Majesties were graciously pleased to grant a charter to the inhabitants of the Colony of the Massachusets Bay; the boundaries contained therein, are as follows. "New England which lies & extends from the great River commonly called Monamack, alias Merrimack, on the north part, and from three miles Northward of the said River to the Atlantick or Western sea or ocean on the South part, & all the lands & Hereditaments whatsoever within the limits aforesaid, & extending as far as the outermost parts or promontories of Land called Cape Cod & Cape Malabar north & south, & in latitude, breadth & in length, and Longitude of, and within all the breadth & compass aforesaid, throughout the main land there, from the said Atlantick sea & ocean on the east part towards the South sea, or Westward as far as our Colonies of Rhode Island, Connecticut & the Narraganset's country; & also all that part & portion of main land, beginning at the entrance of Piscattaway Harbour, & so to pass up the same into the furthest head thereof; & from thence Northwestwards till 120 miles be finished, & from Piscattaway Harbour mouth aforesaid, north eastward along the sea coast of Sagadahock; and from the period of 120 Miles aforesaid to cross over land to the 120 miles before reckoned up into the land from Piscattaway harbour through Newickmannock River, & also the North half of the Isle of Shoals, together with the Isles of Capawack & Nantucket, near Cape Cod aforesaid; & also the lands & hereditaments lying & being in the Country or territory commonly called Acadia, or Nova Scotia, & all those lands & hereditaments lying & extending between the said country or Territory of Nova Scotia & the said river of Sagadahock, or any part thereof, & all Lands, grounds, places, soils, woods & wood grounds, havens, ports, rivers, waters, & other hereditaments & premises whatsoever, lying within the said bounds, & limits aforesaid, and every part & parcel thereof, & also all Islands & Islets lying within ten leagues directly opposite to the main land, within the said bounds, & all mines & minerals, as well Royal Mines of gold & silver, as other mines & minerals whatsoever in the said lands & premises, or any part thereof."

But we beg leave to observe to your Majesty, that, altho' Nova Scotia is expressly included in this Charter, yet the same being, at the time the Charter was granted, in possession of the french, by virtue of the Treaty of Breda, this part of the Grant has always been esteemed of no effect, & the people of New England do not pretend any right thereunto.

The Government consists of a Governor, Council & Assembly, the Governor is appointed by your Majesty, the Council consists of 28 persons, who are annually chosen by the Assembly. The Governor has a negative voice upon the nomination of them, & also upon all Elections of Officers in that Province. The Assembly are chosen by the people, & consists of 98. There is a Secretary appointed by your Majesty, & paid by the Assembly.

Thus, altho' the Government of this Province be nominally in the Crown, & the Governor appointed by your Majesty, yet the unequal balance of their constitution having lodged too great a power in the Assembly, this province is, & is always likely to continue in great disorder. They do not pay a due regard to your Majesty's Instructions; they do not make a suitable provision for the maintenance of their Governor, & on all occasions they affect too great an independence on their Mother Kingdom.

It has generally been thought, that an Act of Assembly passed in this Province in the 5th year of His late Majesty King William (which, by virtue of a clause in their Charter not having been repealed within three years, stands as absolutely confirmed as if the same had received the Royal approbation) has not a little contributed to the present disorders there, in as much as by the said Act it is provided, that no person shall be capable of representing any town or borough where such person is not a freeholder & settled inhabitant; from whence it happens, that the Assembly is generally filled with people of small fortunes & mean capacities, who are easily led into any measures that seem to enlarge their liberties & privileges, how detrimental soever the same may be to Great Britain, or to your Majesty's Royal Prerogative.

The Inhabitants are very numerous, & daily increasing, & are computed to be at present about 94,000 souls.

The Militia of this Province, consists of Sixteen regiments of foot, & fifteen Troops of horse, in which were mustered,

Anno			
1702	Men 9,642.		
1710.	10,917.	besides 500	in service.
1718	14,925.	" 300	officers &
		800	exempts.
		1,600	

By this account it appears, that the Militia is increased above one third in sixteen years; & if the said militia be supposed to bear only the proportion of one sixth to all the rest of the Inhabitants, including old men, women & children, it will naturally follow, that upon a proportionate increase, there must be at present above 30,000 more inhabitants in New England than there were there in 1702.

There are also in this Province several families of the native Indians, who have been civilized by degrees, these make some profession of the Christian Religion, improve their own lands, & dwell in perfect friendship with your Majesty's Subjects, their number (including women & children) amounts to about 1,200.

The products of this Country proper for the consumption of this Kingdom, are timber, turpentine, tar & pitch, masts, pipe & hogshead staves, whale fins & oil, & some furs. They supply Spain, Portugal, & the West Indies with considerable quantities of fish & Lumber. We are likewise informed, that they have mines of several kinds, which might be wrought upon proper encouragement.

Their Trade to the foreign plantations in America consists chiefly in the Exportation of Horses to Surinam, and (as we are informed) to Martinico, & the other french Islands, which is a very great discouragement to the Sugar planters in the British Islands; for without these supplies, neither the french nor the Dutch could carry on their sugar works to any great degree; & in return for their Horses, they receive Sugar, molasses & rum.

In this Province there are all sorts of Common Manufactures. The Inhabitants have always worked up their own wool into coarse Cloths, druggets, & serges; but these, as well as their homespun linnen, which is generally half cotton, serve only for the use of the meanest sort of people. A great part of the Leather used in the Country is also manufactured among themselves; some hatters have lately set up their trade in the principal Towns; & several Irish families, not long since arrived, & settled, to the Eastward, make good Linnen & diaper; however, the excessive price of labour enhances the value of all their manufactures.

It is therefore to be presumed, that necessity, & not choice, has put them upon erecting manufactures; not having sufficient commodities of their own to give in exchange for those they do receive already from Great Britain; & the most natural method of curing this evil would be to allow them all proper encouragement for the importation of Naval Stores, & minerals of all kinds.

The branch of Trade which is of the greatest importance to them, & which they are best enabled to carry on, is the building of Ships, Sloops &c. And according to our advices from thence, they have annually launched from 140 to 160 vessels of all sorts, which at 40 tons one with another, amount to 6000 Tons; & altho' the greatest part are built for account of, or sold to the Merchants of this Kingdom, & in the plantations, nevertheless there belongs to this Province about 190 sail, which may contain 8,000 tons, & are navigated with about 1,100 men, besides 150 boats, with 600 men, employed in the fisheries on their own Coast.

Their Iron works which were erected many years past, furnish them with small quantities of iron for common use, but the iron imported from this Kingdom, being esteemed much better, it is generally used in their shipping.

The fortifications in this province are Fort William on Castle Island, in the harbour of Boston, which Commands the entrance, & is kept in very good repair.

Fort Mary at Winter-harbour, and

Fort George at Brunswick, at the head of Casco bay; & besides the Garrisons, that are kept constantly in these forts, they maintain others at Augusta, Northfield, & Arrowchick

	£	s	d
In the year 1718–19 the charges of supporting the Garrison at Fort William amounted to	1362.	1.	3
The repairs of the said Fort	1372.	11.	1
And the charges of all the other Garrisons amounted to	2072.	2.	10
in all	£4806.	15.	2

In the neighbourhood of this province there are but few Indians well affected to us, except the five nations near New York, who are in alliance & friendship with that Government, & maintain for the most part neutrality with the french Indians. To the Eastward there are but two tribes of note the Kennebeck, & Penobscot Indians, whose number doth not exceed 500 fighting men. The rest are scattered up & down in small parties, they are generally inclined to the french, whose missionaries always reside amongst them, & seduce them to their interest, but the Canada Indians, viz^{t} the Hurons, Illinois, & other nations, who are entirely directed by the french, are numerous: & in the late long wars, being assisted by them, often fell upon our western settlements, ravaging & destroying all before them, & barbarously murthering many of the inhabitants, whereby this province was involved in the great debt they are still labouring under; & having no money, nor any provincial product, such as Tobacco in Virginia,

or Sugar in the Islands, they have been constrained ever since to support their credit by publick bills, which are current in payment, but they have till very lately, raised money every year for sinking them by degrees & according to the Treasurer's accounts, they burnt as many of their old bills as amounted to £21792.1ˢ.8ᵈ in 1718, & £22,244.18ˢ.5ᵈ in 1719; & issued new bills, to the amount but of £15,000.

But amongst many other irregular & unaccountable proceedings of the last session of Assembly there, we find they have passed an Act for emitting new Bills of credit to the amount of £50,000, in direct opposition to your Majestys instructions upon that subject.

The total expense of this province, in time of war with france, was generally computed at £35,000 per Annum & since the peace at £17,000 per Annum.

In the year ending in May 1719.	£	s	d
The Land & Poll Tax was given for	8250	—	—
The Excise with some arrears produced	2858.	11.	7
The impost on wine, & other Goods	5119.	9.	0
The tonnage on Shipping	622.	7.	1
The light House account, & fines	98.	11.	5
in all	£16,948.	19.	1

but deducting what is applied for discharging their former debts, the certain annual charge of the Government is about £11,000.

The publick accounts are all annually examined & audited by the General Assembly; & no payment is made, before it is voted & ordered by the said Assembly; which method, as far as it relates to the Governor's & some other Officers Salaries we humbly conceive may be one time or other prejudicial to your Majesty's service; and it is certain, the last Assembly have retrenched the Governor's Salary there very considerably probably because he hath done his Duty to your Majesty, & refused to comply with their inclinations, in methods contrary to your Majestys Instructions.

RHODE ISLAND.

Rhode Island has usually been reported a part of New England, lying in the Narraganset Bay, & the territory, comprehended in the Grant of that Colony, is bounded on the west by the channel of a River called Pacatuck, or Pawcawtuck, stretching Northerly to the head of the said river, & from thence by a straight line due North to the South boundary of the Massachusets Colony on the North, & on the East by the said Massachusets Colony, & on the South by the Ocean; & the charter for this Colony particularly grants the lands belonging unto the town of Providence Patuxet, Warwick, Misgammacock, alias Pawcatuck, & the rest upon the main land in the tract aforesaid, together with Rhode Island, Block Island & all the rest of the Islands & Banks in the Narraganset's Bay, & bordering upon the coast of the tract aforesaid, Fisher's Island only excepted.

This is a Charter Government, granted by King Charles the second, in the 15ᵗʰ year of his reign, & consists of a Governor Council & Assembly. The King appointed the first Governor, Deputy Governor &c. but they have since been annually chosen among themselves, by which means they evade the Act of the 7ᵗʰ & 8ᵗʰ of King William, intituled "An Act for preventing frauds & regulating abuses in the plantation trade," whereby it is enacted, that all propriety

Governors shall be allowed & approved of by your Majesty, before they enter upon the Government. But by choosing their Governor annually, tho' 'tis generally the same person, his turn is expired, before any such approbation can be had, if they did apply for it, pursuant to the above Act, which hitherto they never have done.

We find that in the year 1697, an Instruction was given to the late Earl of Bellomont, then Governor of the Massachuset's Bay &c in the following words, viz[t]

"And lastly, whereas the Lords Spiritual & temporal in Parliament have also by their "forementioned Address humbly proposed to His Majesty, that the Colonies of Connecticut, "Rhode Island & Providence Plantation, having their Governors & Assistants chosen Annually "by the people there, having no proprietors here in England, & being become a great receptacle "for pirates, & carrying on several illegal trades, contrary to the Acts for the Government of "the Plantations, the Governors of those several places, may therefore be obliged to give "security to observe & obey all instructions that shall be sent to them from His Majesty, or "any acting under his Authority pursuant to the several Acts of Trade, relating to the "Plantations; His Majesty's Will & Pleasure is, that the respective Governors of these "forementioned Colonies do give unto you such security, according to the form of a Bond "prepared here, by Our Attorney General for that purpose which will be herewith delivered "to you, & that you therefore accordingly require it from them."

But the said Instructions having not been continued to the succeeding Governors, we conceive it necessary, that it should be repeated.

As to the number of inhabitants in this Colony their trade & state of their Government, we have but very imperfect accounts; & indeed the Misfeazances of this & most of the other proprietary Governments are so numerous, that we shall not trouble your Majesty with them in this place, but will take leave to give our humble opinion concerning them in the concluding part of this representation.

CONNECTICUT.

Connecticut is bounded on the East by Narraganset River, commonly called Narraganset Bay, where the said River falleth into the sea, on the North by the line of the Massachusets plantation, & on the South by the sea.

This government is upon the same foot as Rhode Island, under the same regulations of Government, & liable to the same inconveniences.

NEW YORK.

The Government of New York, in which Long Island is included, is bounded on the South west by the province of New Jersey, North west by Delaware river, North by the french settlements on Canada river, East by the Colony of Connecticut, & South by the sea.

This Government is in the Crown. Your Majesty appoints the Governor, & Council, which consists of twelve persons, the Assembly is chosen by the people, & is composed of nineteen members.

The Governor in this, as in all other Provinces under your Majesty's immediate Government, has a Negative in passing laws. His salary is £1200 per Annum, payable out of the revenue of the province.

Here is no fixed revenue belonging to the Crown, besides the quit-rents, which have been established only since the year 1702, by an Instruction from Her late Majesty to the Lord Cornbury, then Governor of that province, at the rate of 2^{s} 6^{d} on every 100 acres of land to be granted from that time, & are to be accounted for here in this Kingdom. These quit rents have not hitherto amounted to much more than £400 a year; but having been put under a better regulation by Brigadier Hunter, the late Governor, it is expected they amount in some time to more than double that sum every year.

The revenue raised by the Assembly for the support of the Government, has never been granted for any term exceeding five years, the last grant of it was to expire this year; but M^{r} Burnet the present Governor, has got it prolonged for five years more.

The natural produce of this Country consists in provisions, which are sent to the British Islands in the West Indies; in Horses sent to Surinam, Curaçoa, & S^{t} Thomas, & in Whale-oil, & peltry to this Kingdom; besides some Naval stores, which this Country is capable of producing in very great quantities, if proper measures were taken for this purpose.

In the year 1709, a scheme was proposed by this board, & approved by Her late Majesty, for employing 3000 Palatines in this work. Accordingly near that number were sent over, to be maintained at Her Majesty's expense, till they could be settled so as to provide for their own subsistence, & be able by their labour to repay by degrees the money advanced on their accounts, of which number 2227 were settled on several places contiguous to the Woods on Hudson's River, employed in preparing of trees for the making of tar, & had actually in the year 1713, prepared above 100,000 trees, capable of produding about 30000 barrels of Tar, which, at 8^{s} per barrel, the price it was then sold for at New York, would have amounted to £12,000, but before this could be perfected Brigadier Hunter, who was at that time Governor of the Province, after having subsisted those Palatines, as long as he was able to do it, upon his own money & credit, without receiving the promised remittances from hence, or orders to discontinue the undertaking, was obliged to put a stop to it, when it might otherwise have proved a very great advantage to this Kingdom. Some of the Palatines remained, and applied themselves to husbandry &c. The rest dispersed into the neighbouring Colonies, or into distant parts of this province, where they settled themselves in a riotous manner, on lands belonging to other persons; & having presented a petition about two years ago to the then Lords Justices, in which they desired, upon false suggestions, to have the possession of those lands confirmed to them, this matter has been referred to the present Governor, M^{r} Burnet, to examine & report thereupon.

This province could likewise furnish iron in great quantities. It has some Copper & lead, but at a great distance from the British, & amongst the Indian Settlements. There are Coal Mines in Long Island, which has not yet been wrought.

The several Commodities, exported from this Kingdom to New York, have at a medium of three years, commonly amounted to about £50,000 a year. The imports from thence have not, upon the same medium, risen higher than £16000 a year; so that the balance in favour of this Kingdom, as far as can be judged of it by the Custom house accounts, has been upwards of £25,000 a year.

The Vessels belonging to this province are small, & not considerable in number; being employed only in carrying provisions to the Southern Islands, and in the coasting trade to the Neighbouring colonies on the Continent.

The number of the inhabitants in this province increases daily; chiefly from New England, & from the North of Ireland. The militia consists of 6000 men. Here are four independent companies maintained at the expence of the Crown, & employed to garrison several forts; one whereof is at New York, another at Albany, and a third at Shenectady. There is likewise a small fort in the country of the Mohawk Indians. The fort at New York has 4 regular bastions faced with Stone, & mounted with 50 guns, but has neither ditch, or outworks, the other three forts have only palisadoes.

This province by reason of its situation, being almost in the middle of the British Colonies on the Continent, & the nearest of any to the French settlements on the River Canada, & to their Indians, as well as for the immediate influence or command it has over the 5 Nations of Indians, might most properly be made the seat of Government for a Captain General if your Majesty shall think fit to appoint one, & a barrier to the Neighbouring Colonies. For this reason, particular care should be taken to put the forts already built in the best condition they are capable of, & to build others in such places, where they may best serve to secure & enlarge our Trade & Interest with the Indians, & break the designs of the French in these parts; for this purpose, it would be of great advantage to build a fort in the country of the Seneca Indians, near the Lake Ontario, which perhaps might be done with their consent by the means of presents, and it should the rather be attempted without loss of time, to prevent the french from succeding in the same design, which they are now actually endeavouring at.

We should here give a particular account of the above mentioned five nations of Indians, if we had not occasion to do it in another part of this representation, relating to the consequence of the communication between the french settlements at Canada & Mississipi, & to which we therefore beg leave to refer.

NEW JERSEY.

The Government of New Jersey is bounded on the East by Manhattan's Island & Long Island, & part of the Sea, & part of Hudson's river, on the West by Delaware Bay or river, which parts it from Pennsylvania, & Southward to the main ocean, as far as Cape May, at the mouth of the said Delaware Bay; & to the Northward as far as to the Northermost branch of the said Bay, or River of Delaware, which is in 41 Degrees 40 minutes of Latitude; & crossing over thence in a straight line to Hudson's River in New York, & is in 41 Degrees of latitude, as appears by their Charter.

The proprietors of this Province did formerly appoint a Governor for the same; but in the year 1702, they surrendered their right of Government to Her late Majesty; & the Governor of New York hath ever since that time, been appointed likewise Governor of this province; but they have still a separate Council of 12 persons appointed by the King & an Assembly of 24 persons chosen by the people, who make their own Laws.

The greatest number of the inhabitants are Quakers, of which the Council and Assembly chiefly consist.

This Province raiseth by their assembly about 1300£ per Annum, for the support of their government; but they think it a hardship to pay a Salary to a Governor, who resides in another Province, & would be willing to raise still a further sum for the maintenance of a Governor, who could reside amongst them, which they conceive would greatly advance the trade & welfare of this Country.

This province produces all sorts of grain or corn, the inhabitants likewise breed all sorts of Cattle, in great quantities, with which they supply the Merchants of New York & Philadelphia, to carry on their trade, to all the American Islands; but were they a distinct Government, (having very good harbours) merchants would be encouraged to settle amongst them, & they might become a considerable trading people; whereas, at present, they have few or no ships, but coasting vessels, & they are supplied from New York & Philadelphia with English Manufactures having none of their own.

The Inhabitants daily increase in great numbers from New England, & Ireland; and before this increase, the militia consisted of about 3000 men.

There are but few Indians in this Government, & they very innocent & friendly to the Inhabitants, being under the Command of the five nations of Iroquois, & this plantation not lying exposed, as some other British Colonies do they have hitherto built no forts.

There is great quantity of iron ore, & some copper in this Province.

The have only two patent Officers, viz. an Attorney General & a Secretary. And as all patent Officers appointed in Great Britain, are generally unwelcome to the plantations, so, by several Acts of Assembly their fees are so reduced (especially the Secretarys) that they are not sufficient for his subsistence.

PENNSYLVANIA.

This Province is a proprietary Government, granted by Charter of King Charles the second to William Penn Esq in the year 1680.

Its boundaries, agreeable to the said Charter, are Newcastle County on the South, the river Delaware on the East, unto 43 Degrees of Northern Latitude, & from thence a Meredian line run westward, which is to extend 5 Degrees in longitude.

There are likewise certain Lands lying upon Delaware Bay, commonly called the three lower Counties, which are reputed part of Pennsylvania, & are now actually under the same Government. These lands were granted to the said William Penn, in the year 1682. by King James the second, then Duke of York.

But as the validity of that Grant has been more than once questioned particularly in the year 1717, upon the petition of the Earl of Sutherland praying a Charter from your Majesty of the said Lands, the same was referred to the then Attorney & Solicitor General, who made a report dated 21st October, 1717.

But there having been no further proceedings on that petition, we need only mention, that it appears from the said Report, that your Majesty is at least entituled to a moiety of the rents, issues and profits which shall arise on the said lands contained in the said grant of the Duke of York, made in the year 1682, altho' the same should be valid in Law.

And we the rather take notice of this, because we find, that in the reign of the late Queen Anne, about the year 1712, an agreement was made by the then Treasury with William Penn Esq^{r} for the purchase of his Government of Pennsylvania, & the three lower Counties, for the sum of 12,000£, one thousand pounds of which was paid by warrant of Her late Majesty, bearing date 9th September 1712. & as we think it our duty on all occasions to represent the advantages, that would accrue to your Majesty & the Publick, by taking proprietary governments into your own hands, where it may be done agreeable to Law & Justice, we now beg leave to offer our opinion, that it would be for your Majesty's service to have the said agreement compleated, by payment of the remaining 11,000£; & whether the rents, issues &

profits before mentioned ought not to be accounted for, & made part of the said payment is humbly submitted.

This Province being a proprietary government, as hath been before mentioned, the proprietor thereof has the appointment of a Governor, who, nevertheless must be first approved of by your Majesty, he like wise nominates the Council, and the Assembly are elected by the freeholders.

There is one circumstance very particular in this Charter, viz^t, that the proprietor hath five years allowed him to transmit his Laws for the Royal approbation; but the Crown hath but six months for the repealing them; within which time if they are not repealed, they are to be reputed laws to all intents & purposes whatsoever, from whence it frequently happens, that several Laws, unfit for the Royal Assent, continue in force for five years, & after having been disallowed by the Crown, are enacted again, & by this practice become in a manner perpetual; & this in our humble opinion, is a further reason, why the beforementioned purchase & agreement should be made and compleated.

The soil of this Country is various; light & sandy near the rivers, but rich & of a deep black mould further from the water; being well cultivated by the industry of the inhabitants, it produceth whatsoever is necessary for life.

The river Delaware (the only one of consequence to trade in this whole Country) is exceedingly commodious for Navigation except in the two months of December & January, when it is usually frozen up.

The natural produce of this Country is wheat, beef, pork, & lumber. Their Trade consequently consists chiefly in the exportation of these to the several parts of the west Indies, & Madeiras; from whence; in return, they take rum, sugar, Cotton, Spanish money, & wine. They likewise build many Brigantines & Sloops for sale; but having few or no manufactures of their own, they are supplied therewith from Great Britain, to the yearly value of about 20,000£. And as this province does greatly abound in iron, so we have good grounds to believe, that, if proper encouragement was given in Great Britain, to take off that, & their timber, the people would thereby be diverted from the thoughts of setting up any manufactures of their own, & consequently the consumption of those of Great Britain considerably advanced. For it must be observed, that this Plantation is in a very flourishing condition; greatly increased in its inhabitants; & altho' the informations we have received touching their numbers, differ extremely, some computing them at about 60,000 whites & 5,000 blacks, & others not above half that number; yet they all agree in their opinion, concerning the flourishing state of this Colony, & that the produce of their commodities may well be reckoned at 100,000£ per Annum.

Four fifths of the inhabitants of this province being Quakers, there is little care taken of their Military affairs. Only one old ruined fort at Newcastle, with six useless Guns belonging to it, nor can we learn, there is any establishment of a Militia for their defence; but it must be allowed, that, to supply this defect, they have taken care to cultivate so good an understanding with their neighbour Indians, by going yearly to their principal Town to renew their peace, & by their fair & just dealings with them; that hitherto they have found no want of any force to protect themselves, & probably may not for some time to come, if the Indians are not instigated by the Artifices of the French to insult & disturb them.

But the endeavours of the French to debauch the Indians from the interest of your Majesty's subjects in America, & likewise the importance of maintaining & improving the strictest friendship with those Indians, with the proper methods of doing the same, being particularly treated on in another part of this report, we shall mention nothing further upon these heads at present.

MARYLAND.

Maryland is a Province situated in the center of the British Plantations on the Continent of America.

It contains, as appears by a charter granted by King Charles the first, dated the 20th of June in the 8th year of his reign, to Cecil Calvert, Lord Baltimore, all that part of a peninsula, lying between the Ocean on the East, & the bay of Cheseapeake on the West, & divided from the other part thereof, by a right line, drawn from the promontory or cape of Land called Watkins point, situate on the said Bay, near the river Wichon, to the West, into the main ocean on the east, & between that bound on the south, unto that part of Delaware Bay on the north which lies under the 40th degree of Northern Latitude from the Equator, & all that tract of Land between the bounds aforesaid, that is to say, passing from the said Bay called Delaware in a right line by the Degree aforesaid, unto the true meridian of the first fountain of the river Potomack; & from thence tending towards the South, unto the farthest bank of the said river, & following the west & south side thereof, unto a certain place called Cinquack, situate near the mouth of that river, where it falls into the bay of Chesapeake, & from thence by a straight line unto the aforesaid promontory & place called Watkins point, which lies in 37 Degrees & 50 minutes of Northern Latitude.

The Lord Baltimore is by his charter hereditary Governor, & stiled absolute Lord & proprietary of the Province. He is vested in all Royalties, in as full & ample manner, as any Bishop of Durham had, or of right might have had in the Kingdom of England, with a jurisdiction of a Court palatine.

In the year 1691 the Government of this Province was provisionally resumed, (the then Lord Baltimore being a papist) & remained in the Crown till about the year 1715, when the late Lord Baltimore renounced the Romish religion. At present the proprietor appoints a Governor, who is approved by the King, according to the Act of the 7th & 8th of King William.

The Constitution of this Province is the same with that of the other British Colonies on the Continent, with respect to their Laws, which are made by the Council & Assembly, with the consent of the Governor.

There is no revenue arising to the Crown in this province, but a very considerable one to the proprietor.

The ordinary expences of the Government are defrayed by a duty of 12d per hogshead on all tobacco exported, & 3d per ton on all shipping inward, & the extraordinary charges of the Government are likewise provided for by the Assembly as occasion requires.

The number of Inhabitants was computed in the year 1704. to be 30,537 men, women & children, & 4,475 slaves young & old, in all 35,012.

In the year 1710 was computed 34,796, whites, & 7,935 negroes, in all 42,741

And in the year 1719. was computed 55,000 white inhabitants, & 25,000 blacks, in all 80,000.

From whence it appears, that the Inhabitants of this province have increased to above double the number in 15 years, & altho' some part of this increase may have been occasioned by the transportation of the rebels from Preston, by the purchase of slaves, as well as by the arrival of several convict persons, & of many poor families, who have transported themselves from Ireland; yet it must be allowed, that Maryland is one of the most flourishing provinces upon the Continent of America.

The Militia is about 8,000 men, well armed, & excellent marksmen.

There are no forts, or places of defence in this province; but there has been lately built at the publick charge a large Magazine at Annapolis, which is well provided with spare Arms for 12,000 foot, & 600 horse, with a great quantity of Ammunition, to maintain which, & to make a further provision of Arms & Ammunition, there is a duty of 3^{d} per hogshead laid by Act of Assembly on all tobacco exported.

The Indians who dwell within this province, do not exceed 500, & they live peaceably with the inhabitants.

The neighbouring Indians are reported to be many formidable nations, with whom the people have but little commerce, this country being a peninsula, but they have been careful to make those on the frontiers their friends; by which means they have for some time enjoyed a perfect tranquillity.

The soil of this Country is of different kinds but most of it sandy, when cultivated with little labour, it gives a vast increase, & produces all things necessary for life, that Great Britain affords, with which the inhabitants plentifully provide for their subsistence.

Tobacco is the staple commodity of this province of which about 30. or 35,000 hogsheads are yearly exported to Great Britain. The inhabitants export some tobacco to the other plantations, as also grain, beef, pork, & lumber, for which they have in return rum & sugar.

They likewise send some corn to the Madeiras for wine, but the most part of the wine they have from thence is purchased by bills of Exchange.

Whilst tobacco answers, in its price, the planter's labour, all manufactures, & all other trade, that might arise from the product of the Country are laid aside.

The Inhabitants wear the like Cloathing, & have the same furniture within their houses with those in this Kingdom. The Slaves are cloathed with Cottons, Kerseys, flannel, & coarse linnens, all imported; & it is computed that this province consumes of British Manufactures to the value of £20,000 per annum.

No mines are yet discovered here, except iron, which are very common, but not wrought, for want of a sufficient stock, & persons of skill to engage in such an undertaking.

The number of ships belonging to this province, are only four small Brigantines, & not more than 20 Sloops for the Sea; the inhabitants not being inclined to navigation, but depending upon British bottoms for the exportation & importation of the bulk of their trade; & there has been employed of late years above 100 sail of ships from Great Britain.

VIRGINIA.

The Government of this Colony was at first under the direction of a Company; but they being dissolved upon their mal-administration, in the year 1626, His Majesty King Charles the first took the Government into his own hands, & settled such laws & constitutions in that province, as were agreeable to those of this Kingdom.

Accordingly the nomination & appointment of the Governors, as well as the Council (which consists of twelve persons) is in your Majesty, & the General Assembly (consisting of fifty two Burgesses) has been always chosen by the freeholders.

The strength & security of this Colony, in a great measure, depend upon their Militia; their plantations being usually at too great a distance from one another to be covered by forts or towns.

James Town and Williamsburg are the only Towns in the whole Country; & there is no Fort of any consequence for the security of their great navigation & trade, but at James Town.

However for their protection against the Indians, who inhabit amongst them, & that live to the Westward they have erected Christianna, & some other Forts; & the Council & Assembly have lately proposed to your Majesty a scheme for securing the passes over the great ridge of Mountains which lie on the back of this Province, dividing them from the french, & Indian Nations in the french interest, whereupon we have sometime since reported our humble opinion to your Majesty, & beg leave upon this occasion to repeat, that we conceive their proposal to be deserving of all reasonable encouragement.

Their Militia in the year 1690, consisted of ..... 6,570 horse & foot
In the year 1703, there were mustered.... 1403. Officers
2161. Horse
1794 Dragoons
5198 foot
——— 10,556.
and in the year 1715, they were increased to about ..... 14,000 in all:

from whence we compute, supposing the Militia to be a sixth part of the whole, that the total number of the inhabitants, (exclusive of negroes) amounts to about 84,000 souls.

This province is divided into 25 Counties; & the proprietors of all the lands that have been taken up in 20 of the said Counties, pay an annual quit-rent to your Majesty, of two shillings in money, or 24 pounds weight of tobacco for every hundred acres.

But the propriety of the northern neck (containing the other five Counties) was granted by King Charles the Second, & King James the Second, to the late Thomas Lord Colepepper, upon a quit rent of £6.13^{s}.4^{d}. per Annum.

The Lands in the aforesaid twenty Counties, on which the said Quit rent to your Majesty is paid, contained,

In 1704,..... 2,238,143
In 1714,..... 2,619,773½ } Acres.

However, the produce of this revenue is very much governed by the price of tobacco in the country: for example,

On a medium of ten years, ending in 1713, (during which time £
the tobacco was low) the proceed amounted to ..... 1411. 7^{s} 7¼^{d} P^{r} An^{m}
And in a medium of the four following years (when the price of £
Tobacco was high) ..... 2270.11^{s} 8^{d} per Annum.

There is another revenue in this province, that is settled and appropriated by the Assembly for the constant support and charge of your Majesty's government.

This consists of several Duties viz^{t}

	£	s	d
On every Hogshead of Tobacco exported.....	0.	2.	0
On every ton of Shipping.....	0.	1.	3
And on every Poll imported.....	0.	0.	6

Besides the rights of taking up of lands, and fines & forfeitures.

On a medium of six years, ending the 25th of October 1710,
The whole produced, clear of all charges..... 2,845.15.11 p^{r} An^{m}

And upon the same medium,

	£	s	d
The established Salaries &c amounted to	2821.	12.	3
The ordinary Charges	176.	12.	5
And the Contingent Expenses	97.	3.	2
The total Annual Charge, as aforesaid	3,095.	7.	10
which exceeds the amount of the revenue	249.	11.	11

And this excess hath been generally allowed by your Majesty, as well as by your Royal Predecessors, out of the produce of the quit-rents.

But besides the said standing and certain charge, for which provision is made, as aforesaid, this province has been always obliged, for maintaining their guards & garrisons on the Indian frontiers, for erecting several publick magazines, & buildings & discharging other necessary expenses, to levy certain quantities of tobacco, at so many pounds weight per head, or every tythable, which comprehends all persons exceeding sixteen years of age, except white women.

The number of the said tythables, according to their respective lists.

In 1698 amounted to	20,523.
In 1705 to	27,053.
In 1714 to	31,540.

The principal product of Virginia is tobacco; & in general it's of a better quality than that of Maryland. Before the conclusion of the last peace with france, the Virginia planters exported to this Kingdom at least 30,000 hogsheads per Annum; but about that time, the trade declining, for want of foreign consumption, an Act was passed in the 12th of Her late Majesty's reign for encouraging the tobacco trade, & your Majesty hath been since graciously pleased to give your Royal Assent to an Act for continuing the same.

But as this commodity is of such consequence to the trade of Great Britain, not only with respect to our home consumption, but likewise to our foreign exportations; all further occasions should be laid hold of, for giving some ease & encouragement to the same, by a further reduction of the duty, so soon as it may be done, consistent with the present appropriations thereof.

The other branches of the trade between this kingdom & Virginia consist in pitch & tar, pipe & hogshead staves, skins & furrs, & a few drugs. They also export to the other Plantations some small quantities of tobacco, provisions, & lumber; but their dependence is almost wholly on the produce of tobacco.

CAROLINA.

Carolina was granted by King Charles the second, to several Lords proprietors by two different charters, the first dated 24th March, in the fifteenth year of his reign, which contains all that tract of ground, extending Westward from the North end of Luck Island, as far as the South Seas; Southward as far as the river Saint Matthias; & thence Westward again in a direct line as far as the South Seas aforesaid; together with all the ports, harbours, bays, rivers, isles, & islets thereunto belonging.

The second charter, which is more extensive, bears date the 30th June, in the 17th year of the said King Charles & reaches as far as the north end of Caratuke River or Gullet; and thence upon a straight westerly line to Wyanoake Creek, which is supposed to lie in or about 30 Degrees and 30 Minutes of Northern Latitude.

Carolina is divided into two provinces, called North & South Carolina, which have separate Governors, Councils, & Assemblies.

The Governors of these Provinces have been usually named by the proprietors, subject to your Majesty's approbation.

NORTH CAROLINA.

North Carolina was formerly part of Virginia till granted to the Lords proprietors by their second Charter; and it was at a certain place in this province, called Roanoke, that Sir Walter Raleigh's servants made their first Settlement.

The boundary that separates this province from Virginia being conceived in very disputable terms, hath never yet been finally settled though Commissaries have been formerly deputed by the two Colonies for that purpose, who could never agree either upon the Latitude, or upon the true position of Wyanoke Creek; for the Indians, from whom this place derives its appellation, having often wandered, as their usual custom is, over that part of the continent, and fixed, for certain times, at different places there, they have left their name to many creeks.

The South limits of this Colony have likewise admitted of some disputes; the Commissioners of the Lords proprietors having frequently named Cape Fear, instead of the river of that name, for their boundary.

The government of North Carolina is something different from that of the Southern province, resembling more nearly that of Virginia; of which, as hath been observed, it was formerly a part, being divided into two Counties, and seven precincts, with petty Courts for each; from whence, in all matters exceeding a certain value, appeals lie to the supreme Court, held by the Governor & Council, which liberty of Appeal as we are informed, your Majesty's subjects at South Carolina do not at present enjoy.

There are great tracts of good land in this Province, & it is a very healthy country; but the situation renders it forever incapable of being a place of considerable trade, by reason of a great Sound near sixty miles over, that lies between the Coast & the Sea, barred by a vast Chain of Sand-banks, so very shallow & shifting, that sloops, drawing only five foot water, run great risk in crossing them.

The little Commerce therefore driven to this Colony, is carried on by very small Sloops, chiefly from New England; who bring them Clothing & Iron ware, in exchange for their pork & Corn: but of late, they have made small quantities of pitch & tar, which are first exported to New England, & thence to Great Britain.

We are not thoroughly informed of the number of inhabitants; but according to the best accounts we could get, the number of persons in their tythables, or poll-tax, were not long since above 1600, of which about one third were blacks.

The Government of this Province, having for many years been a very disorderly one, this becomes a place of refuge for all the vagabonds, whom either debt, or breach of the Laws have driven from the other Colonies on the Continent; and pirates have too frequently found entertainment amongst them.

There is no great prospect, that these mischiefs should be redressed, unless your Majesty should be pleased to resume this, as well as the Southern province into your immediate Government; in which case, North Carolina might, in our opinion, be restored again to Virginia, & put under the care of your Majesty's Governor of that Colony.

SOUTH CAROLINA.

South Carolina extends from Cape Fear to the river of Saint Matthias. The inhabitants of this province, conceiving themselves to be ill used, or greatly neglected by the Lords Proprietors, have lately deposed their Governor, & Council, & chosen a new Governor & Council of their own, which great disorder induced your Majesty to reassume the Government thereof.

This Colony is the Southern frontier to your Majesty's plantations on the Continent, & will no doubt, under the happy influence of your Majestys immediate protection, become a flourishing Colony.

The trade of this Province, with respect to their own shipping is not hitherto very considerable; the inhabitants not having above 20 sail of their own, amounting to about 1500 ton; & as they chiefly apply themselves to the plantation work, they have not many sea faring men, but their trade is carried on by the Merchants of Great Britain, who reap a considerable advantage thereby.

The commodities the people of Carolina take from Great Britain, are all manner of Cloathing, woollen linnen, iron ware, brass & pewter, & all sorts of household goods, having no manufactures of their own; & their southerly situation will make them always dependent on Great Britain for a supply of these commodities, whose consumption may be computed at about £23,000 per Annum; besides the cost of a considerable number of Negroes, with which the British Merchants have for some time furnished them yearly, taking their returns in rice, & naval stores.

There is a small trade carried on between Carolina & the Madeiras for wine; & the Commissioners of the Customs have a Surveyor General, a Collector, a Comptroller, a Searcher, a Waiter, & a Naval Officer, to put the laws of trade & Navigation in execution here: But daily experience shews, that illegal trade is not to be prevented in a proprietary Government.

The natural produce of this Country is Rice, pitch, tar, turpentine, buck-skins, furs, corn, beef, pork, soap, myrtle-wax, candles, various sorts of lumber, as Masts, cedar-boards, staves, shingles, and hoop-poles; but the soil is thought capable of producing wine, oil, silk, indigo, pot-ashes, iron, hemp, & flax.

The number of white inhabitants in this province has some time since been computed at 9000; & the blacks at 12,000, But the frequent massacres committed of late years by the neighbouring Indians, at the instigation of the French & Spaniards, have diminshed the white men, whilest the manufacture of pitch & tar has given occasion to increase the number of black slaves, who have lately attempted, and were very near succeeding in a new revolution, which would probably have been attended by the utter extirpation of all your Majesty's subjects in this province; & therefore it may be necessary for your Majesty's service, that the Governor should be instructed to propose some law to the Assembly there, for encouraging the entertainment of more white servants for the future.

The Militia of this Province does not consist of above 2000 men; & therefore, considering the circumstances & situation these people are in, exposed, in case of a rupture, on the one side to the Spaniards, on the other to the French, & surrounded by Savages, who are for the most part, in an interest opposite to that of Great Britain; unless your Majesty shall be graciously pleased to send a Military force to this Country, sufficient to protect your subjects, this valuable province in all probability will be lost.

For this reason we took the liberty of representing to the late Lord Justices the necessity of sending four regiments thither to prevent the further encroachments of the French in those parts. We likewise propose, that as well to ascertain the bounds of this province, which have not hitherto been fixed any other way, but by the Charter to the Lords proprietors, as to extend & protect the trade of your Majesty's subjects there, several small forts should be erected in proper places; & that particular care should be taken to secure the navigation of the several rivers, empteying themselves in those parts to the northward of Fort Saint Augustine into the Westward Ocean, but more especially that of the River Alamatahame, which the french have some time ago new christened by the name of river May.

We were humbly of opinion that no time should be lost in a matter of this consequence; because the great difficulties the french have found in the navigation of the river Mississipi, made it necessary for them to secure a better part; & and they did some time ago take Pensacola from the Spaniards; which being since, as we are informed, restored, it is very probable, the french may think of opening another communication from their great settlement at Mobile, down the river Alamatahama to the Western Ocean, which would be a more fatal blow, than any that has hitherto been given to your Majesty's interest in America.

The fortifications in this Country at present are but very few, & their situation not the most advantageous Charles Town for instance, is regularly fortified, & hath about 100 Guns mounted on the walls the largest not exceeding twelve pound ball.

There is likewise a small fort of about 10 Guns at Port Royal, and a palisadoe fort at the late Savanha Town, of 5 or 6 small Guns, which lies about 140 miles west from Charles Town, towards the head of Santee river one hundred & twenty miles from Charles Town is also another small fort; in all which places there are about one hundred men in Garrison.

But Port Royal seems to have been a good deal neglected, considering it is at present the frontier town, lies ready for the supply of the Indian trade, & the protection of the out garrisons, & has an excellent harbour, for which reason we should think that place ought to be better secured.

It would likewise be for your Majesty's service that other forts should be built in this province, in proper places, for the reasons which shall be mentioned in that part of this representation relating to the means proposed for preventing the encroachments of our European neighbours.

The Indian Nations lying between Carolina & the french settlements on the Mississipi, are about 9,200 fighting men. Of which number 3,400 whom we formerly traded with, are entirely debauched to the french interest, by their new settlement & fort at the Albamas. About 2,000 more, that lie between your Majesty's subjects & those of the french King, trade at present, indifferently with both; but it is to be feared, that these likewise will be debauched by the french unless proper means be used to keep them in your Majesty's interest.

The remaining 3800 Indians are the Cherokees, a Warlike nation, inhabiting the Apalatché Mountains. These, being still at enmity with the french, might with less difficulty be secured; & it certainly is of the highest consequence, that they should be engaged in your Majesty's interest; for, should they once take another party, not only Carolina, but Virginia likewise, would be exposed to their excursions.

Besides the Indians above mentioned, there are about 1,000 savages dispersed in several parts between Carolina & Virginia, from whom we have not much to apprehend, provided

your Majesty's Governors of these provinces live in that perfect harmony & good understanding, which they ought to maintain with each other, & do justice to these poor people, who seldom give the first offence.

It were to be wished, we had not so much reason to complain of our European neighbours in these parts: but, besides the encroachments made by the french, your Majesty's subjects meet with ill treatment from the Spaniards; more particularly at Fort S^{t} Augustine, where they have a garrison of 300 or 400 white men, & about 200 indians, who give shelter to all our runaway Slaves, & without regard to peace or treaties, commit frequent acts of hostility upon your Majesty's subjects.

We are not as yet informed, whether the Spaniards have re-settled Pensacola, or what force they have there; but they have a fort at the mouth of the Catahooché river, with about 400 or 500 men in Garrison; & we shall give your Majesty an account of the french force in the neighbourhood, in that part of our report, which relates particularly to their settlements on the Continent.

This province having hitherto but few inhabitants the quit-rents of the Lords proprietors amount only to about 500£ per annum: but there is a duty of 3^{d} per skin, for the benefit of the Clergy; & the contingencies of the government, which vary every year, are raised by the Assembly.

There are no Officers in Carolina, that have patents from the Crown; & none appointed at present by your Majesty's Authority, but those of the Governors & Custom house Officers. All other Officers, both Civil & military, hold their employments immediately under the Lords proprietors, their Governors, or the Assembly.

Rice being the principal & staple commodity of this province; & the merchants trading to Carolina having often complained, that the advantage they formerly reaped, by supplying Portugal with rice, hath been almost entirely lost, since the Act of the 3^{d} & 4th years of Queen Ann, whereby rice is made one of the enumerated commodities, & the importation thereof restrained to Great Britain, we think it necessary, before we conclude what we have to offer concerning this province, to lay before your Majesty a particular state of this trade.

Before the production of rice in Carolina, the Kingdom of Portugal was supplied with very great quantities every year from Italy;

And the great consumption thereof in Portugal, with the liberty of transporting it directly thither from the Plantations, as freely as any other grain, first induced the people of Carolina to plant and propagate it.

Their labour & industry being by degrees rewarded, by an abundant increase of this useful & valuable product; they had a very fair prospect of wholly supplying the Portugal Markets therewith.

But being deprived by the foresaid Act, of the liberty of transporting their rice directly to Portugal, & the additional freight, (from this to that Kingdom) with all other charges thereon, amounting to about one third part of its value, no rice could be carried from England to Portugal, but when the price has happened to be very high there.

But the true state of this affair will best appear by the following account of the quantities of rice imported, & re-exported communibus annis, on a medium of five years, from Christmas 1712 to Christmas 1717. viz

Imported.	Cwt	
From Carolina & the other Plantations	28,073	
From East India, Turkey, & Italy about	250	
The total import	28,323	p^{r} An.

Re-exported	Cwt	
To Portugal, Spain, & other parts, to the Southward of Cape Finisterre	2,478	
To Holland, Germany, & other countries to Northward of Cape Finesterre	20,458.	
The total Export	22.936	p^{r} An.
Remained for consumption	5,387	
	28,323.	

It is evident from this account, that the exportation of rice from Great Britain to the Northward is very considerable, & that the exportation of this commodity to the Southward is very small; which can arise from no other cause, but the great expense that attends the same in double freight, the rice of Carolina being esteemed the best in the world; but by that means it happens, that the Italians, being near at hand, have almost entirely beaten your Majesty's subjects out of this trade, which proves very detrimental to the navigation of Great Britain. For if the Italians had not a vent for their rice in Portugal, they would hardly be able to carry on a trade to that Kingdom & Spain in their own shipping, they having no other gross goods, but rice, & pepper, sufficient to furnish a lading for great ships; & they dare not venture in any others for fear of the Algerines.

We would therefore humbly submit to your Majesty, whether it might not be for the advantage of the plantations, & of Great Britain likewise, to allow, that rice might be carried from Carolina directly to Portugal, or any other part of Europe, to the Southward of Cape Finesterre, upon giving security, that every vessel so freighted, shall touch in Great Britain, before she returns to the West Indies.

THE CONSEQUENCE OF THE PLANTATION TRADE.

Thus having gone through the several Colonies on the Continent, in order to demonstrate the consequence their trade is of to Great Britain; we have drawn out from the Custom House books an Account N^{o} 1. containing the total amount or value of all goods imported from, & exported to the said Colonies, communibus Annis, on a medium of three years from Christmas 1714 to Christmas 1717.

And forasmuch as the trades to Africa & Madeira may be accounted branches of the plantation trade, the returns of the Goods exported to those countries being generally sent from thence in Negroes & wine to the Plantations; we have included the amount thereof in this account.

But having enquired upon this occasion into the valuations of the aforesaid goods, we are informed, that Tobacco, sugar, & some other of the Plantation products are over rated; the

prices of those commodities having been considerably reduced since the valuations were adjusted in the books of the Inspector General of the Customs, from whence this is drawn; however, as we have not the same objection to the valuations of our manufactures & products, we shall lay the same before your Majesty, upon the foot it now stands.

From this Account it will appear, that the plantations in America take from hence yearly to the value of one million sterling, in British products & Manufactures, & foreign goods.

And although the exports charged in this acount to the several Colonies on the continent, amount to no more than £431,027.16^{s}.5^{d} yet as the Continent has undoubtedly a great share in the General article of entry to the West Indies, as well as in the articles of entry to Africa and the Madeiras, the exports to the Continent may well be computed at £500,000.

But before we enter into the particular circumstances of the plantation trade on the Continent, it will be necessary to ascertain the principal commodities, wherein their trade consists, & how much they respectively amount to; which will appear, Account N° 2.

It may be observed from this Account, that the exports to the Continent of America exceed the imports from thence about £200,000 per annum; which debt falls upon the provinces to the Northward of Maryland; who probably are enabled to discharge the same, by the trade they are permitted to carry on in America, & to Europe, in commodities not enumerated in the Acts of Trade, as may be gathered from a State of their Shipping & Tonnage hereunto annexed, N° 3. 4 & 5. although the same is not so perfect as it might otherwise have been for want of returns from the proprietary Governments.

Besides the advantages accruing to Great Britain from so large an exportation, to the Colonies on the Continent of America; from whence, as hath been already shewn, there doth arise a balance of £200,000 Sterling; it is to be observed, that your Majesty's revenue of the Customs is very considerably increased by this trade; that great part of the commodities, which we receive from thence are such, as we should otherwise be obliged to take from foreign markets: & that there is a very great profit arising from the re-exportation of such of the said Plantation commodities to foreign Markets, as are not expended at home.

Our home consumption of Tobacco only, may be computed at 8,175,226 pounds weight per Annum. And the tobacco re-exported 17,142 755 ditto per annum, as may appear by the Account N° 6, wherein the sugars, as well as the tobacco imported & exported for five years, from Christmas 1712 to Christmas 1717. are distinctly stated. And we have the rather chosen to join them, because they are the two staple commodities of the Islands, & of the Continent whose interests are inseparable, nor would it be possible to support the Sugar Islands, without the assistance of the Continent.

There still remains to be considered another great advantage that arises to this Kingdom from the plantation trade, which is, the constant employment it gives to our British Shipping

The number & tonnage of the Ships cleared from England for His Majesty's Dominions in America, & for Africa & Madeira, in three years, from Christmass 1714, to Christmass, 1717, is as follows.

Cleared in the said three years for

	Ships	Tons	Medium of the Tonnage Per annum
New England	240	20,276	6,758⅔
New York	64	4,330	1,443⅓
Pennsylvania	55	5,429	1,809⅔
Maryland	108	17,651	5,883⅔
Virginia	340	47,009	15,669⅔
Carolina	92	8,003	2,667⅔
For the Continent	899	102,728	34,242⅔
Barbadoes	347	37,849	12,616⅓
Antigua	111	11,092	3,697⅓
Montserrat	25	1,770	590
Nevis	33	2,963	987⅔
Saint Christopher's	30	3,170	1,056⅔
Jamaica	162	22,913	7,637⅔
Bermuda	4	160	53⅓
For the Islands	712	79,917	26,639
West Indies	123	16,687	5562½
Hudsons Bay	7	732	244
Total for the Plantations	1741	200,064	66,688½
For Africa	92	10,823	8,899
Madeira	181	15,875	
In all	2,014	226,762	75,587.
That is, communibus annis,	671	75,587.	

And whereas there were cleared from this Kingdom, on a medium of the said three years ending at Christmass 1717. for all foreign parts.

British Ships	5663,	tons 419.681.	Per Ann.
Foreign ditto	330,	ditto 17,446	
In all	5,993	 437,127	

it is evident, that the Shipping employed annually in the plantation trade only, was more than a sixth part of the whole tonnage for that time from the several Ports of England to all foreign Countries.

But, computing that the other five-sixth parts of the said Shipping may be employed (a little more or less) as follows, one Sixth, in the trade to Spain, Portugal, the Streights, Canaries, East India, Newfoundland, and Archangel;

One sixth to Denmark, Norway & the Baltick;

Two sixths, to Germany, Holland, Flanders and France &

One sixth to Ireland and the other British Islands; & it being obvious, that the Ships employed in the trades near home make two or three voyages, whilest the Ships bound to the plantations are performing one,

It is very probable, that the trade which is carried on between England and the American plantations, employs at least, one fourth part of the Shipping annually cleared from this kingdom.

And upon casting up the tonnage of the plantation products re-exported in the year 1717, it appears there was employed near half as much Shipping, in transporting these goods from

hence to Germany, Holland, & other foreign countries, as was employed in the trade directly from the British Colonies in America.

Consequently therefore it may be concluded, that about one third part of the Shipping employed in the foreign trade of this Kingdom is maintained by the plantation trade.

But notwithstanding the advantages, at present arising from the Plantation trade, are so very considerable, it is not to be doubted, but that they might still be rendered much more useful, if sufficient encouragement were given to induce them to turn their industry to the production of Naval Stores, of all kinds, & of such other commodities as our necessities require, & which are purchased by us with great disadvantage from foreign Countries; from whence this convenience, amongst many others, would naturally result, — That the more Northern Colonies would be thereby enabled to pay their balance to England, without lying under the necessity of carrying on a trade to foreign parts, in some respects detrimental to their mother Kingdom.

No. 1.

The total value of the Imports from				The total value of the Exports to		
£	s	d		£	s	d
187,059	00	00	..... Antigua	30,855	19	9
364,557	6	10	..... Barbadoes	140,697	14	5
332,266	00	10	..... Jamaica	147,931	5	6
34,485	5	9	..... Montserrat	4,921	11	6
85,078	15	6	..... Nevis	12,729	10	00
98,772	18	5	..... St Christophers	11,182	7	1
1,102,219	7	4		348,318	8	3
65,016	7	2	..... New England	139,269	14	6
22,607	16	4	..... New York	50,314	6	6
5,051	7	00	..... Pennsylvania	20,176	14	2
92,675	10	6		209,760	15	2
250,994	10	6	..... Virginia & Maryland	198,276	4	9
38,906	16	1	..... Carolina	22,987	16	6
			PLANTATIONS			
382,576	17	1	..... On the Continent	431,027	16	5
1,102,219	7	4	..... On the Sugar Islands	348,318	8	3
3,391	17	00	..... West Indies in general	96,986	6	2
412	19	6	..... Bermudas	1,396	3	3
6,898	5	10	..... Hudson's Bay	1,951	6	2
1,495,499	7	9	..... Plantations	879,680	00	3
27,236	12	9	..... Africa	87,415	16	11
4,960	14	8	..... Madeira	81,427	7	1
1,527,696	15	2	..... Total	1,048,523	4	3

No. 2

The principal imports from New England, New York, Pennsylvania, Virginia Maryland, and Carolina, are as follows.

	£	s	d	
In skins & furrs	17,340	14	10	Products of the Indian Trade.
Turpentine	12,082	19	5	}
Pitch and tar	34,990	00	00	}
Train oil	7,680	18	7	} of the sd Plantations.
Whalefins	3,679	14	3	}
Tobacco	236,588	18	1	}
Rice	19,206	18	4	}
Sugar, brown	9,834	7	3	of foreign Plantations
Logwood	21,060	6	4	of Campeche
	362,464	17	1	
In all other Goods	20,112	00	00	
The total import according to the aforesd Genl account	382,576	17	1	per annum
But the Tobacco being overvalued about	80,000	00	00	
The said import cannot amount to more than	302,576	17	1	per annum

No. 2.

And the principal exports to the said provinces are as follow

In British Manufacture & Products,	£	s	d
Woollen Manufactures	147,438	11	7
Silk wrought & thrown	18,468	7	1
Linnens & sail cloth	11,464	9	00
Cordage	11,284	5	9
Gunpowder	2,392	15	5
Leather wrought, & saddles	15,161	12	6
Brass & copper wrought	2,565	6	7
Iron wrought & nails	35,631	13	6
Lead & shot	2,850	9	3
Pewter	3,687	6	11
In many other goods	43,941	5	6
	294,886	3	1
In foreign goods.			
Linnens	86,413	00	00
Callicoes	10,102	4	00
Prohibited East India Goods	10,523	12	9
Wrought Silks	1,189	11	1
Iron & Hemp	6,152	5	11
In other foreign goods	21,760	19	9
Foreign Goods	136,141	13	6
British Goods	294,886	3	1
The said Exports amounts to according to the aforesaid general account (per annum)	431,027	16	7
But as it has been always mentioned, the total export might probably amount to at least (per annum,)	500,000	00	00

No. 3.

In three years from 24th June 1714, to the 24th June 1717, there was cleared from Boston, the chief port in the Province of Massachusetts Bay.

Ships, Sloops & other vessels		Tons.	Men.
495	For the British Islands in the West Indies	27,831	3,830
58	Foreign Plantations	2,597	393
23	West Indies	1,335	175
45	Newfoundland	1,835	274
23	Europe	1,865	210
34	Madeira, Azores, &c	1,690	236
678		37,153	5,118
143	Great Britain	11,956	1,412
390	British Plantations on the Continent	11,589	1,883
25	Bay of Campeche for Logwood	1,675	221
11	To ports unknown	415	63
1247	The total in three years	62,788	8,697
415	That is, Communibus annis	20,929	2,899
	N. B.—1,199 of the aforesaid 1247 ships and vessels, containing 58,152 tons, were plantation built		

No. 4.

In the said three years there were also cleared from the Port of Salem, in the same Province.

Ships Sloops &c.		Tons	Men.
59	For the British Islands in the West Indies	2296	328
2	Surinam	75	10
10	West Indies	304	46
117	Europe	9,122	1,152
9	Madeira Azores &c	421	59
197		12,218	1,595
4	Great Britain	208	29
31	British Plantations on the Continent	1,005	158
232	The total in three years	13,431	1,782
77.	That is, Communibus Annis	4,477	594

No. 5

And from New York there were cleared, in three years, from 24th June 1715 to 24th June 1718

Ships, Sloops &c		Tons	Men
63	To Great Britain	4,382	638
205.	British Plantations on the Continent	4,234	897
250	British Plantations on the Islands	8,776	1,904
9	Newfoundland	395	67
85	foreign plantations	2595	603
24	Madeiras, Africa &c.	1395	282
9	Europe	615	122
645	Total in three years	22,392	4,513
215	That is, Communibus Annis	7,464	1,504

No. 6.

SUGAR, BROWN.	Imported Cwts.	re-exported Cwts.
In 1713	503,528	183,201
1714	512,235	157,036
1715	617,414	142,701
1716	684,378	161,519
1717	762,735	289,994
In the said five years	3080,290	934,451
or Communibus annis	616,058	186,890
Remained for consumption		429,168 pr Ann.
The total Annual Import		616,058 as aforesaid.

No. 6.

TOBACCO.	Imported ℔ wt.	Re-exported ℔ wt.
In 1713	21,598,807	16,597,796
1714	29,264,094	19,650,246
1715	17,810,864	13,479,110
1716	28,316,088	16,601,441
1717	29,600,053	19,385,186
In the said five years	126,589,906	85,713,779
or Communibus annis	25,317,981	17,142,755
Remained for consumption		8,175,226 pr Ann.
The total Annual Import		25,317,981 as aforesaid.

MISSISSIPPI.

The French nation, having always been desirous to extend their dominions in America, have lost no opportunity of encroaching upon their Neighbours there. And although your Majesty & your Royal Ancestors have an uncontestable right as well by discovery as possession, to the several British Colonies in America; yet the french Kings have at sundry times made grants thereof to their subjects. Such were the letters patents of Louis the 13th in favour of the french West India Company, bearing date the 29th of April 1627; & those of Louis the 14th to Mons^{r} Croisat some time since surrendered to the united India Company of france, upon which they build their title to the Mississippi. Many other instances of the like nature might be given were they necessary to the present purpose, but these two, which comprehended almost all your Majesty's dominions in America, may be sufficient to shew the unlimited inclination the french have to encroach upon your Majesty's territories in those parts.

However, as the french are convinced, that a Charter without possession, can never be allowed by the law of nations to change the property of the soil; they have employed another artifice; and without embarrassing themselves about former discoveries, made by the subjects of other Princes have built small forts at the heads of Lakes & rivers, along that vast tract of land, from the entry of the river of S^{t} Lawrence to the embouchure of the Mississippi, into

the bay of Mexico; not so much with intention probably to bound their own territories, as to secure what they have already got, till a more favorable juncture shall give them occasion to make further intrusions upon their neighbours. And if the late war in Europe, where the allies made so successful efforts against the exorbitant power of france, had not found Louis the 14th employment at home, it is very likely the french would have been much more formidable than they are now in America, Notwithstanding the treaty of neutrality for those parts made at London in 1686, ought to have secured to Great Britain the several Colonies, whereof your Majesty's Royal predecessors stood possessed at the time of making the said treaty, but the little regard the french have to that treaty, will evidently appear by the evasions & frivolous pretences set on foot by their ministers during the debates in the year 1687 at London, when the Lords Sunderland, Middleton, & Godolphin were appointed by King James to confer with the then french Ambassadors Monsr de Barillon, & the Sieur Dusson de Bonrepeaux concerning the boundaries of the Hudson's bay Company, & although that Conference terminated in a Confirmation of the aforesaid Treaty of neutrality, together with a resolution of settling the boundaries between the English & french colonies in America, by proper Commissaries, which resolution has since been enforced by the 10th Article of the treaty of Utrecht; yet the french could never be induced to enter sincerely upon so necessary a work, notwithstanding Commissaries were lately appointed for that purpose, & met with others, deputed by the french Court, at Paris.

It is therefore very apparent from these transactions, that there remains no way to settle our boundaries, but by making ourselves considerable at the two heads of your Majesty's Colonies, North & South, & by building of forts, as the french have done, in proper places, on the inland frontiers.

The French territories in America extend from the mouth of the River St Lawrence, to the embouchure of the Mississippi, forming one continued line from North to South on the back of your Majesty's plantations, & although their garrisons, in many parts, are hitherto but very inconsiderable, yet as they have, by the means of their Missionaries, debauched several of the Indian Nations to their interest, your Majesty's subjects along the continent have the utmost danger to apprehend from this new settlement, unless timely care be taken to prevent its increase.

But this will be the proper subject of another part of this Report; & therefore we shall at present proceed to give your Majesty an Account of the forts the french have built, & the settlements they have made to secure their communication; of the several routs they have practised from Quebec to the Mississippi; of the Indian nations in those parts, whom they have gained over to their interest, and of those who still remain friends to your Majesty's subjects.

And as the most perfect account we have of these particulars, was transmitted to us some time since, by Mr Keith, the present Governor of Pennsylvania, we hold ourselves obliged upon this occasion to acknowledge how much we are indebted to his exactness & application therein.

It is evident from Father Hennipen & La Salles travels, that the communication between Canada & Mississippi is a very late discovery; & perhaps such a one, as no nation, less industrious than the french, would have attempted; but it must be allow'd that they have a great advantage over us in this particular, to which even the nature of their religion and government do greatly contribute; for their Missionaries in blind obedience to their superiors, spend whole

years in exploring New Countries; and the encouragement the late french King gave to the discoverers & planters of new tracts of land, doth far exceed any advantage your Majesty's Royal Predecessors have hitherto given to their subjects in America; and as your Majesty's European dominions have long been burthen'd with the expense of two successive wars, the Parliament of Great Britian have hitherto only been able to assist the Plantations with a very sparing hand; altho' considering the great Revenue they bring your Majesty in your Customs, & the vast importance they are of to the trade & navigation of these Kingdoms, it is now to be hoped they may be thought worthy of greater attention.

And indeed had this matter been sooner considered, the french dominions had never been extended from North to South through the whole Continent of America. For your Majesty's subjects, who had much greater convenience of discovering & making treaties with the Indian nations, on the Lakes, which lie so contiguous to the back of the British Settlements, might effectually have prevented this communication which may prove highly inconvenient to the trade & welfare of your Majesty's Colonies.

However, it is not even yet too late to think of applying a remedy; nor will it be at all impossible to interrupt a rout, which your Majesty may perceive by the following detail, hath many natural obstructions, & could never have been rendered practicable without the greatest industry.

From Mount Real, on the River S^{t} Lawrence, the french generally sail in canoes about three leagues to the falls of Saint Louis, where they are obliged to land, & travel about half a League, before they embark again, in order to row up the stream. About 60 leagues further, to Fort Frontenac situate on the North side of the river, at the entrance of the Lake Ontario, where they have a Garrison consisting of one or two Companies, from thence they proceed on the said Lake reputed about 80 leagues in length, to the great fall of Niagara, which lies between the lakes Ontario and Erie, where they are obliged to travel over land again about three Leagues, before they enter the lake Erie, which is about 130 leagues in length.

From this lake to the Mississippi they have three different routes. The shortest by water is up the river Miamis, or Ouamis, on the South west of Lake Erie; on which river they sail about 150 leagues without interruption, when they find themselves stopt by another landing, of about three leagues, which they call a carrying place, because they are generally obliged to carry their canoes over land, in those places to the next river, & that where they next embark is a very shallow one called La Riviere de portage; hence they row about 40 leagues to the river Oubach, & from thence about 120 leagues to the River Ohio, into which the Oubach falls, as the river Ohio does about 80 leagues lower into the Mississippi, which continues its course for about 350 leagues directly to the bay of Mexico.

There are likewise two other passages much longer than this, which are particularly prick'd down in Hennipens map, and may be described in the following manner.

From the North east of Lake Erie to a fort on the Lake S^{t} Clair, called Pont Chartrin is about 8 Leagues sail; here the french have a Settlement, & often 400 traders meet there. Along this Lake they proceed about seven leagues further & thence to the great Lake Huron about ten leagues; hence they proceed to the straits of Michillimackinack 120 leagues Here is a Garrison of about thirty french, and a vast concourse of Traders, sometimes not less than 1000, besides Indians, being a common place of rendezvous. At & near this place the Outarwas, an Indian nation, are settled.

From the lake Huron they pass by the Straight Michillimackinack four leagues, being two in breadth, & of a great depth, to the lake Illinois; thence 150 leagues on the lake to fort

Miamis, situated on the mouth of the river Chigagoe; from hence came those Indians of the same name, viz^{t} Miamis, who are settled on the forementioned river that runs into Erie.

Up the river Chigagoe they sail but 3 leagues to a passage of $\frac{1}{4}^{th}$ of a league; then enter a small Lake of about a mile, and have another very small portage, & again another of two miles to the river Illinois, thence down the stream 130 leagues to Mississippi.

The next rout is from Michillimackinack on the lake Illinois to the lake de puans 90 leagues, thence to the river paans 80 Leagues, thence up the same to a portage of about 4 miles before they come to the river Owisconsing, thence 40 leagues to Mississippi.

These distances are as the traders reckon them; but they appear generally to be much over done, which may be owing to those peoples coasting along the shores of the lakes, & taking in all the windings of the rivers.

They have another much shorter passage from Mount Real to Lake Huron, by the french river on the north of Saint Lawrence which communicates with the two latter routs; but it abounds with falls, & therefore it not so much used. They have also by this river a much shorter passage to the upper Lake, or Lake Superieur.

The french have at all times, used their utmost endeavours to bring over the Indians to their Interest; & the missionaries have been so successful in this point, that they have seduced some part of the Iroquois, commonly called by the name of the five nations, from their ancient friendship & dependence on your majesty's colony of New York; & although provision was made by the 15th Article of the treaty of Utrecht to prevent the like inconveniencies for the future, yet experience hath shewn that such treaties made with the french, as cannot be afterwards executed without their assistance, are likely to prove ineffectual. We would therefore follow their example in this particular, & lose no time, at least in securing such of the Indian nations, as are not already in league with them.

Of this sort are the Miamis, settled upon the river of the same name, which runs into the Lake Erie, & are about 2,000 in number. The gaining of this Nation to the British interest, would be of very great importance; and as we are informed, might be done by settling a trade with them & building a small fort upon the Lake Erie, where the french, in 1718, had no settlement; what they have now is not as yet come to our knowledge, though in all probability they have, or will soon begin to build one there. This will appear to be the more necessary, when we shall consider, how many Indian Nations, on the back of the British settlements, the french have already gained to their interest.

The Illinois are about 3,000 men, on or near the river of that name.

The Ottoways, or Michillimackinacks were formerly 3,000 but now scarce 500.

The Nokes	100
The Felles avoins	200
The Sakes	200
The Puans	600.

All these joined the french against the five nations in the late war, & all of them, except the Miamis, are seated about or near to the Lake Illinois, which is now commonly called by them Michigan, and on the rivers that run into it, & on the Lake Puans, & the River Illinois

On the Mississippi, & the branches of it, there are many great nations, especially to the West, as the Missouris, Ozages, Acansias, (different from those of Acansa on the East) with many more, not less, as is affirmed than 60,000 men; with all whom it is said the french have peace or some alliance.

On the other hand, all the English to the northward of Carolina have, not 1500 fighting men in their interest to be depended on, except the 5 nations;—in New England & Connecticut they have very few; in New York only the river Indians, besides the five nations;—in Jersey & Pennsylvania, their own or home nations, called Delawares, are exceedingly decreased and being in subjection to the five nations, take their rules from them;—in Maryland & Virginia, there are very few, except those to the South-west, whom Colonel Spotswood with great industry has lately gained by treaties & hostages.

Those of Carolina, & the nations lately in friendship with them, have been very numerous, but are not so at present; the french having made great incroachments in those parts, and gained many of the Indians there over to their interest.

Thus, by one view of the Map of North America, Your Majesty will see the danger your subjects are in, surrounded by the french, who have robbed them of great part of the trade they formerly drove with the Indians, have in great measure cut off their prospect of further improvements that way, & in case of a rupture, may greatly incommode, if not absolutely destroy them by their Indian Allies. And although the British Plantations are naturally fortified, by a chain of Mountains, that run from the back of South Carolina, as far as New York, passable but in few places; yet should we not possess those passes, in time, this would rather prove destructive than beneficial to us.

CONSIDERATIONS

For Securing, Improving & Enlarging your Majesty's Dominions in America.

Having laid before your Majesty the state of your Plantations on the Continent, having observed the importance their trade is to these Kingdoms, & shewn how much they lie exposed to the incursions of their European neighbours, & of the Indians in their Interest; what further remains is, that we should humbly offer to your Majesty's consideration such methods as have occurred to us, for securing, improving & enlarging so valuable a possession, as that of your Majestys dominions in America; which we conceive might most effectually be done—

1st By taking the necessary precautions to prevent the encroachments of the french, or of any other European Nation,

2dly By cultivating a good understanding with the native Indians,

And lastly, by putting the Government of the plantations upon a better foot.

In order therefore to secure your Majestys colonies from the encroachments of their European neighbours in America, whereof we receive daily complaints from the several Governors on the Continent, it will be highly necessary to begin, by fortifying the two extremities to the North & South.

This will appear the more necessary, when it shall be considered, how much the french have strengthened their settlements in the neighbourhood of Nova Scotia & Carolina, whilst your Majesty's subjects, either through neglect or misfortune, are much weaker in these two provinces, than any other part of America.

It has been already observed, that there are not above two British families in all Nova Scotia, beside the Garrison of Annapolis, consisting of at present, only six companies of 34 men, each, but there are still near 3000 french inhabitants remaining in this province, who, contrary

to the treaty of Utrecht, refuse to take the oaths of Allegiance to your Majesty, & in combination with their countrymen at Cape Breton, are daily instigating the native Indians not only to commit insults upon your Majestys subjects, fishing upon the Coast of Nova Scotia but even to set up a title to the whole province, in opposition to your Majesty's right.

The french likewise pretend, that only the peninsula of Accadia (hardly one third part of Nova Scotia) was yielded to the Crown of Great Britain by the treaty of Utrecht; and notwithstanding this pretence is sufficiently refuted in the former part of this report, by comparing the Charter to Sir William Alexander, the first proprietor of Nova Scotia, with the article of Cession in the treaty of Utrecht; yet from these unreasonable cavils, in time of profound peace & friendship between the two Nations may be collected, how desirous the french, are to make themselves masters of this province, which they may easily overrun on the first rupture, the same being in a manner already surrounded by their settlements at Cape Breton, Long Island, and Quebec.

In our humble opinion, therefore, no time should be lost in putting of this province into a better posture of defence; & we humbly beg leave to repeat our proposal of sending of four regiments of foot to Nova Scotia.

Without some assistance of this nature, it will be in vain to think of settling Nova Scotia; for planters will never fix, where they can have no security for their persons or effects, but whenever this main point shall be sufficiently provided for, it is to be hoped, so fertile a Country will not want inhabitants. All reasonable encouragement however should be given to adventurers to settle there; & in some former reports to your Majesty, we have humbly offer'd it as our opinion, that it would be greatly for your service that the present inhabitants of Newfoundland should be engaged to quit that place, where they drive a trade prejudicial to the fishery of Great Britain, and settle in Nova Scotia, where they may be useful to this Kingdom.

We shall not trouble your Majesty with the repetition of the particulars mentioned in former parts of this representation concerning the fortifications proposed to be erected on the Coast of Novia Scotia; but shall beg leave in general to observe, that bays and harbours should be secured, & some forts built in proper places for the protection of your Majesty's subjects fishing upon the Coast.

In that part of this report, relating to the french settlements, we have taken notice, that nature has furnished the British Colonies with a barrier, which may easily be defended, having cast up a long ridge of mountains between your Majesty's Plantations & the french settlements, extending from South Carolina to New York; but there are doubtless several passes over these Mountains, which ought to be secured as soon as they shall be discovered; and we had the honour not long ago to reccommend to your Majesty's approbation a proposal for fortifying the passes on the back of Virginia. In our opinion all possible encouragement should be given to discoveries & undertakings of this nature; for if all the passes over this ridge of Mountains are not secured, your Majesty's subjects will be liable to the insults of the french, and of the Indians under their influence, who are very numerous.

But although these Mountains may serve at present for a very good frontier, we should not propose them for the boundary of your Majestys Empire in America. On the contrary, it were to be wished, that the British Settlements might be extended beyond them, & some small forts erected on the great Lakes, in proper places, by permission of the Indian proprietors; & we would particularly recommend the building of a fort on the Lake Erie,

as hath been proposed by Colonel Spotswood, your Majesty's Lieu[t] Governor of Virginia, whereby the french communications from Quebec to the River Mississippi, might be interrupted, a newtrade opened with some of the Indian nations, & more of the natives engaged in your Majesty's interest.

There will be the same reason for erecting another Fort at the falls of Niagara, near the Lake Ontario, M[r] Burnet your Majesty's Governor of New York, hath already formed a scheme for this purpose, which we hope he may be able to execute, by the consent & assistance of the Senecas, one of the five Indian Nations dependent on your Majesty, to whom the soil belongs.

But because these Lakes be at a very great distance from the Settlements already made by your Majesty's subjects, to secure intermediate stages, a third fort might be built at the head of Potomack River; which divides Virginia from Maryland, & a fourth at the head of Susquehana River, which runs through Pennsylvania, into the Bay of Cheseapeake.

Carolina likewise being the Southern frontier of your Majesty's Plantations, and lying much exposed to the incursions both of the french & Spaniards, as well as to the insults of the Indians, demands your Majesty's immediate assistance and protection.

It would be for your Majestys service, that the heads & embouchures of all rivers running through this province should be secured. And in our humble opinion, a less force than four regiments of foot will not be sufficient for the protection of your Majesty's subjects there; especially considering how many places will require garrisons: For besides those already mentioned under the head of Carolina, it will be highly necessary, that three others should be erected on the Savanah, Catahooche, & Hagologe Rivers; for at Palachakolas, on the Savanah River, the french had formerly a settlement, in the time of Charles the Ninth, & intend to settle there again, if not prevented.

A fort on Catahooche River would secure a communication with the bay of Apolatche, & another on Hagaloge River might not only interrupt the communication of the french settlements, but likewise give your Majesty's subjects an opportunity of gaining the Cherokees, a warlike nation and the only Indians of consequence in those parts, that have not already made peace with the french.

We are very sensible, that this proposal will be attended with expense; but we hope it may be fully justified by the necessity thereof, for the preservation of the British Colonies in America.

In relation to the Indians.

The second particular, wherein your Majesty's interest is highly concerned, with respect to the trade & the security of the British Plantations, is that of cultivating a good understanding with the Native Indians, as well those inhabiting amongst your Majesty's Subjects, as those that border upon your Majesty's dominions in America; and herein at all times hath consisted the main support of our french neighbours, who are so truly sensible, of what consequence it is to any European nation, settling in America, to gain the natives to their interest; that they have spared no pains, nor cost, or artifice to attain this desirable end; wherein it must be allowed, that they have succeeded, to the great prejudice of your Majesty's subjects in those parts, having debauched, as hath already been observed some parts of the five nations bordering upon New York from their Ancient league & dependence on the Crown of Great Britain.

For this purpose their Missionaries are constantly employed, frequent presents are made to the Sachems or Kings of the several Nations, & encouragement given for intermarriages between the french & natives; whereby their new Empire may in time be peopled, without draining france of its inhabitants.

It was for this reason, that, in the draught of Instructions for the Governor of Nova Scotia, we took the liberty of proposing to your Majesty that proper encouragement should be given to such of your Majesty's subjects as should intermarry with the native Indians; and we conceive it might be for your Majesty's service that the said Instructions should be extended to all other British Colonies.

Your Majesty & your Royal Predecessors, have frequently made presents to the Indian Chiefs, more particularly to those of the five nations; but as the same have always hitherto been a charge upon the Civil list, which is generally overburthened, so those presents have not been very regularly or seasonably sent to America; & consequently many opportunities of improving the British interest in those parts, must have been lost, for want of them; for which reason, it is to be hoped, that more exactness will be had in this particular for the future.

It is likewise much to be lamented, that our zeal for propagating of the Christian faith in parts beyond the seas, hath not hitherto much enlarged the pale of the British Church amongst those poor infidels, or in any sort contributed to promote the interest of the State in America; but as it is not so immediately our province to propose any thing particular upon this head, we can only wish, that the same may be hereafter put upon a better foot.

There is however one other method left for gaining the good will of these Indians, which providence has put into our hands, and wherein the french could not possibly rival us, if we made a right use of our advantage, & that is, the furnishing of them, at honest & reasonable prices, with the several European commodities, they may have occasion for, but even this particular, from the unreasonable avarice of our Indian traders, & the want of proper regulations, has turned to our detriment, and instead of gaining us friends, has very probably created as many enemies.

But as we are entirely of opinion, that the Indian trade, if fairly carried on, would greatly contribute to the increase of your Majesty's power & Interest in America, we should humbly propose, that the same may be put under as good regulations, as the nature of the thing will admit, for on the successful progress of this trade the enlargement of your Majesty's dominions in those parts doth almost entirely depend, in as much as all the Settlements, that may at any time hereafter be made beyond the Mountains, or on the Lakes, must necessarily build their hopes of support much more upon the advantage to be made by the Indian trade, than upon any profits to arise from planting at so great a distance from the sea.

This trade then ought by all possible means to be encouraged; it ought to be equally free in all parts, to all your Majesty's Subjects in America, & all monopolies thereof discouraged, that no one Colony, or sett of people whatsoever may engross the same, to the prejudice of their neighbours.

All your Majesty's Governors, in their respective governments, should use their utmost endeavours to prevent the traders from imposing upon the Indians; upon complaint of any injustice done them, cause satisfaction to be made, and, upon all occasions, shew the utmost resentments against the offenders.

And that your Majesty's subjects may be the more easily induced to extend this trade as far Westward, upon the lakes & rivers behind the Mountains, as the situation & ability of the respective Colonies will permit; forts should be built, & garrisons settled in proper places to protect them.

It would likewise be for your Majesty's service, that the several Governors of your Majesty's plantations should endeavour to make treaties & alliances of friendship with as many Indian Nations as they can; in which treaties all your Majesty's subjects should be expressly included; all the Indian Nations, in amity with your Majesty's subjects, should, if possible, be reconciled to each other; & all traders should be instructed to use their endeavours to convince the said Indians, that the English have but one King, & one interest.

And if any Indian Nation, in league or friendship with any of your Majesty's Colonies, should make war, plunder, or any way molest any other Indian Nation, in friendship with the same Colony, Your Majesty's Governors should use all possible endeavours to oblige the said Indians to make satisfaction for their breach of faith to the party aggrieved.

And that all the Governors of your Majesty's plantations may be informed of the state of every other Government, with respect to the Indians, it will be necessary, that every governor upon his making any treaty with any Indian nation, should immediately communicate the same to all other your Majesty's Governors upon the Continent.

We are likewise of opinion, that it might be convenient to imitate the french, in sending home some chiefs of the most considerable Clans or nations, to whom they take care to shew the Glory & splendor of the french nation in Europe, that the said Indians may, upon their return, instill the greater respect for them among their countrymen.

All which particulars would, in our humble opinion, much conduce to the securing of the natives in your Majestys Interest, & to the enlargement of your frontiers in America.

In relation to the Government of the Plantations.

The Laws & constitutions of your Majesty's Colonies are copied from those of Great Britain, but fall short of them in many particulars; some of which have however from time to time been corrected & amended by your Majesty's Instructions to the respective Governors of the different Colonies under your Majesty's immediate government; and they might be rendered still more perfect, if your Majesty's Commands met with due obedience in the proprietary & Charter Governments.

This is the great obstacle, which has hitherto made it impracticable to put the plantations in general upon a better foot; & therefore we shall beg leave to mention some of those inconveniencies, that have arisen from the large powers & privileges, subsisting by virtue of several Charters, granted by your Majesty's Royal Predecessors; whereby not only the soil, but likewise the dominion or Government of several Colonies is absolutely alienated from the Crown, to certain proprietors, who far from employing the said powers & privileges to the use for which they were designed, as we find by former reports from this board, have frequently refused obedience to such orders as have been given by your Majesty's Royal Predecessors; have broken through the laws of trade & navigation; made laws of their own, contrary to those of Great Britain; given shelter to pirates and outlaws, & refuse to contribute to the defence of the Neighbouring Colonies under Your Majesty's immediate Government, even in cases of the greatest emergency, altho' they would not have been able to subsist themselves without the assistance of their neigbours.

And although, in justice to some of the proprietary Governments, it must be allowed, that they are not all equally involved in this charge; yet certain it is, that great inconveniencies do arise from so many different forms of Governments, & so many different interests on the Continent of America; nor is it to be expected, that either our Indians or European neighbours should pay that respect to your Majesty's subjects, which all those who have the happiness to

be under Your Majesty's protection, might otherwise reasonably hope for, until it shall appear, that all the British Colonies in America hold immediately of one Lord, & have but one joint interest to pursue; for which reason, & many others, we shall first humbly propose, that all the proprietary governments should be re-assumed to the Crown, either by purchase, agreement, or otherwise, as conceiving this to be one of those essential points, without which your Majesty's colonies can never be put upon a right footing:

It might likewise be further observed upon this head, that some of the Proprietary and charter Governments have shewn too great an inclination to be independent of their Mother kingdom, & have carried on a trade destructive to that of Great Britain, wherein they might undoubtedly be more effectively restrained, if they were all of them under your Majestys immediate government, & were by proper laws compelled to follow the commands sent them by your Majesty; & it hath ever been the wisdom, not only of Great Britain, but likewise of all other states to secure, by all possible means, the entire, absolute, & immediate dependency of their colonies.

On the other hand, it were but just to consider the planters, whatever Governments they may live under, as your Majesty's subjects; and that in all reasonable things, not prejudicial to the interest of Great Britain, they should be favoured & encouraged, more particularly in the raising of Naval Stores of all kinds, whereby they may greatly advantage themselves, & contribute to render their Mother Kingdom absolutely independent of all the Northern powers; & that their religion, liberties & properties should be inviolably preserved to them.

We have already had a very successful proof of what due encouragements produce, in the particulars of pitch & tar; which at present are made in as great perfection in your Majesty's plantations, as in any other part of the world, & in such plenty, as will enable us to supply foreign parts, since it hath reduced the common price of those Commodities one third of their former cost within the space of a very few years, whereby the importation of pitch & tar from the Baltick is greatly decreased, & much money saved in the balance of our trade. Nor is it to be doubted, but iron, flax, hemp, & all sorts of timber, might likewise be had from your Majesty's plantations, with the same success, upon sufficient encouragement whereby the trade & navigation of these realms would be highly advanced, & the plantations diverted from the thoughts of setting up manufactures of their own, interfering with those of Great Britain, & from carrying on an illicit trade with foreigners; but we shall have an opportunity of explaining ourselves more particularly upon this head, in a separate representation to your Majesty relating to such further premiums as we conceive necessary for promoting so useful a design.

Your majestys revenues, arising from the quit rents reserved upon grants of lands made by your Majesty & your Royal Predecessors, bear no proportion to the extent of your Majesty's territories in America; for such has been the improvident management in this particular, that whole provinces have been granted without any, or upon very small reservations to the crown; & the Governors of your Majesty's colonies, who are by their Commissions & Instructions usually impowered to make grants of lands, have frequently abused their authority herein, by making exorbitant grants to private persons, & the small quit rents, that have been reserved, have not been so punctually collected & accounted for, as they ought to have been: The registers of such Grants being very imperfectly kept & no due obedience paid to your Majesty's Auditor of the plantations. There are likewise other abuses practised in the manner of taking up lands, whereby the grantees preserve their claim, whilest your Majesty is defrauded of your quit-rents, the lands remain uncultivated, & the industry of the fair planter is discouraged.

To prevent these abuses, it may be necessary for your Majesty's service, that the Governors of your Majesty's Colonies on the continent should for the future be restrained from making grants, without reservation of the usual quit-rents to your Majesty, & from making any grants exceeding 1000 acres to any person in his own, or any other name in trust for him; and that all grants, hereafter to be made, should be void, unless the land granted, or at least two thirds thereof, be cultivated within a certain term of years to be fixed for that purpose.

That no person should be allowed to hold any lands, for which a patent hath not been actually passed, either under the seal of the respective plantation, or the great Seal of this Kingdom, & that all persons petitioning for the future, to take up lands, should be obliged, upon allowance of such petition to pass a patent for the same within the space of six years, & pay the usual duties due thereon to your Majesty; in default whereof, the said allowance to be void, & the land to be grantable to any other person.

That an exact register be kept of all grants already made or to be made; that the quit-rents arising therefrom be duly accounted for to your Majesty's Auditor of the plantations; And that likewise all money whatsoever levyed in your Majesty's name, in any of your Majesty's Colonies be accounted for to the said Auditor; which we the rather mention, because some of the Northern provinces (particularly that of New York) have of late refused to account with your Majesty's Auditor, for monies raised by their Assemblies; which is a practice detrimental to your Majesty's authority, & tends to the shaking off that dependency, which they owe to your Majesty & to their mother Kingdom.

The preservation of the woods in America, which hath hitherto been much neglected, is another particular of very great consequence to your Majesty's service; inasmuch as the same might prove an inexhaustible store for the Royal Navy of Great Britain. And although several Parliaments have been so sensible of the importance of this Article, that laws have been made in England for this purpose, yet the daily complaints from America are a proof how ill these laws are executed, & how little regard is paid to your Majesty's Commission & Instructions to your Surveyor General of the Woods; which is not so much to be wondered at, considering the present Surveyor only acts by Deputy, no ways qualified for that employment, although so extensive a trust would require the constant attendance of a capable & well experienced officer, & ought not to be left to the management of a Deputy.

But the many inconveniencies, that arise from the granting of Offices in the plantations to persons acting by Deputy there, may deserve your Majesty's animadversion; and we would humbly propose, that no offices in the plantations may be granted for the future, without an express clause in each patent, obliging the grantee to attend & discharge the duty of his office in person.

We beg leave further to observe, that the laws at present in force for the preservation of your Majesty's woods, are very defective, for the exception therein made, whereby liberty is given for the cutting of timber growing upon the lands of several persons, hath given rise to many pretensions for destroying timber fit for the service of the Royal Navy; wherefore we would humbly propose, that further provision should be made, by Act of Parliament in Great Britain, for ascertaining your Majesty's right to the woods, & the boundaries thereof.

But the most effectual way to put in execution what we have already offered upon this subject to your Majesty's consideration, & to render the several provinces on the Continent of America, from Nova Scotia to South Carolina, mutually subservient to each others support, will be to put the whole under the Government of one Lord Lieutenant, or Captain General,

from whom all others Governors of particular provinces should receive their orders, in all cases, for your Majesty's service, & cease to have any command respectively in such province, where the said Captain General shall at any time reside, as is at present practised in the Leeward Islands, where each Island has a particular Governor, but one general over the whole.

The said Captain General should be constantly attended by two or more Councillors deputed from each plantation, he should have a fixed Salary, sufficient to support the dignity of so important an employment, independent of the pleasure of the Inhabitants; and, in our humble opinion, ought to be a person of good fortune, distinction & experience.

By this means, a general contribution of men or money may be raised upon the several Colonies, in proportion to their respective abilities, & the utility of this proposal is so evident, that we shall not trouble your Majesty with any further reasons to enforce the same; but in case your Majesty should be graciously pleased to approve thereof, we shall take a further opportunity of explaining, in what manner it may best be executed.

But we humbly crave leave to inform your Majesty, that it will be further necessary for your service, that whoever presides at this Board, may be particularly and distinctly charged with your Majesty's immediate orders, in the dispatch of all matters relating to the Plantations, in such manner, as the first Commissioner of the Treasury, & Admiralty, do now receive & execute your Majesty's commands; with whom the Captain General, & all other Governors of your Majesty's Plantations, may correspond.

We the rather mention this, because the present method of dispatching business, relating to the Plantations, is liable to much delay & confusion; inasmuch as there are at present no less than three different ways of proceeding herein; that is to say, by immediate application to your Majesty by one of your Secretaries of State; by petition to your Majesty in Council, & by representation to your Majesty from this Board; from whence it happens, that no one Office is thoroughly informed of all matters relating to the Plantations; and sometimes orders are obtained by surprize, disadvantageous to your Majestys Service; whereas if the business of the Plantations were wholly confined to one Office, these inconveniencies would be thereby avoided.

All which is most humbly submitted.

J. Chetwynd
P. Doeminique.
M. Bladen.
E. Ashe.

Whitehall
Sep^{r} 8. 1721

Governor Burnet to the Lords of Trade.

[New-York Papers, Cc., 71.]

New York Oct 16th 1721

My Lords

I now send your Lordships the Acts of Assembly of N York passed in a Session begun on the 16 May & ended the 27th July last

The Most Material are

1 An Act for Settling the Militia of this Province & making it useful for the Security and defence thereof and for repealing all former acts relating thereto

This Act is particularly intended to regulate the Militia of the Town of New York who used to be the most remiss of the whole Province and now by encreasing the fine for non appearance at the Musters have immediately upon this Act appeared in Arms to near double the number as formerly

2 An Act for further continuing the Currency of Bills of Credit to the value of Six thousand ounces of Plate during the time therein mentioned

This Act was made upon the deficiencys that have happened in the Produce of the Dutys laid for to raise a Revenue and to sink these Bills which not being sufficient for the Revenue alone made it necessary to postpone the other service for two years longer

3 An Act for the better repairing the fortifications of the City of Albany

This is by a Tax laid on the County of Albany for that Service by which they are to bring together the Stockadoes or Piles for that purpose from all parts of that County to make a Strong wooden fence round the city which is enough to prevent surprizes from Indians in the night

4 The Act for collecting and paying the arrears of Taxes for the two Expeditions to Canada

This Act it is hoped will bring in money to sink a considerable sum of Bills of Credit created for this Service which will be of great use to us to releive us from the dfficulties our present deficiencys put us under

5 An Act for enabling such persons as the Governor shall appoint to receive and collect the Dutys due and payable in the County of Suffolk by virtue of an act of Assembly of this Province passed in the seventh year of his Majestys reign, entituled an Act for a supply to be graunted to His Maty for supporting his Government in His Province of New York during the time therein mentioned

This Act is made to prevent the ill effect of the district of Suffolk county being given by the Commissioners of the customs to a Collector residing in the Colony of Connecticut tho' the said County is in this Goverment because till there was this New Officer appointed all goods were imported into that country by permits from that Collector without paying any of the Dutys laid on the whole Province by Act of Assembly which now will it is hoped be a considerable help to the Revenue, especially since the Collector of that district has consented to give a Deputation to the Officer appointed by this Act

6 An Act for raising the sum of five hundred pounds for securing the Indians in His Maty's Interest

This Act was made to make some small Provision in the mean time till the Act laying 2 pr Cent on European Goods comes over confirmed which is now impatiently expected

7 An Act to oblige the Treasurer to pay for the Stockadoes provided for the Fortifications in Albany and Schenectady

This is a beginning to fortify these places but the expence of setting up these Stockadoes and principally the repairing the Stone Barracks for the soldiers which are all falling down depends upon the afsd 2 Pr Cent Act entirely. The Names of the rest are

8 An Act for the more equal & impartial assessing the ministers and poors rates &c

9 An Act to continue the common Road or the Kings high way from the Ferry towards the town of Brookland &c

10 An Act for regulating fences within this Province

11 An Act for better clearing and further laying out High ways

12 An Act for continuing a clause in an Act of General Assembly entituled an Act for further laying out regulating & better clearing public Highways throughout this Colony as far as it relates to the County of Suffolk &c

13 An Act to prevent Vagrant & Indle[1] persons from being a charge and expence to any of the Countys, Towns Manors or Precincts within this Province

14 An Act to prevent Lotterys within the Province of New York

And six private Acts

I send your Lordships herewith a printed copy of these Acts and of the Printed votes of this Session as likewise the minutes of Council from the 21 December 1720 to the 19 Sept[r] 1721

I come now to give your Lordships an account of my transactions at Albany which have given me no small satisfaction and I hope will not be displeasing to your Lordships

I came to Albany on the 29[th] August and the Indians came thither on the first September the day appointed which is not usual with them & in greater numbers than have been known for many years. At first in private conferences I expostulated with them about their late engagements with the French These they imputed to a few ill men amongst them and the ill effect that false reports spread by the French concerning me had among the young men but said that was now over, & they were satisfyed that it was all a trick to mislead them against their true Interest

I told them that I knew that Cannassora an Onondaga Indian, who has been the most leading man among them & their Speaker for these thirty years, was a french Spy & had been the chief ill instrument among them & desired as a token of their good Intentions that they would choose an other speaker, which they readily did, I conversed with some of them every day by an Interpreter & grew so well acquainted and familiar with them that they were never observed to be better pleased and when I was fully informed of their disposition I made them my general speach or Propositions and they gave me a very satisfactory and hearty answer copies of both which I send to your Lordships and to which I beg leave to refer

And that I might improve their present good humour to the best advantange I have employed the five hundred pounds granted this year by the assembly cheifly to the erecting and encouraging a Settlement at Tirandaquat a Creek on the Lake Ontario about sixty miles on this side Niagara whither there are now actually gone a company of ten persons with the approbation of our Indians & with the assurance of a sufficient number of themselves to live with them & be a guard to them against any surprize & because the late President of the Council Peter Schuijlers son first offered his service to go at the head of this expedition I readily accepted him and have made him several presents to equip him and given him a handsome allowance for his own Salary and a commission of Captain over the rest that are or may be there with him & Agent to treat with the Indians from me for purchasing Land and other things which I the rather did that I might show that I had no personal dislike to the family

This Company have undertaken to remain on this settlement and that never above two shall be absent at once, & tho' these have the sole encouragement at present out of the publick money yet there is nothing that hinders as many more to go and settle there or any where else on their own account as please

[1] *Sic.* — Ed.

This place is indisputably in the Indians possession and lyes very convenient for all the far Indians to come on account of Trade from which the French at Niagara will not easily hinder them because first it must be soon knowen and is against the Treaty & besides they may easily slip by them in Canoes & get to this place before the French can catch them in the pursuit if they should attempt to hinder them

This my Lords is the beginning of a great Trade that may be maintained with all the Indians upon the Lakes and the cheapness of all our goods except Powder above the French will by degress draw all that Trade to us which cannot better appear than by the French having found it worth while to buy our Goods at Albany to sell again to the Indians Wherefore to break that Practice more effectually I have placed a sufficient Guard of Soldiers on the carrying place to Canada and built a small Blockhouse there with the remainder of the five hundred pounds before mentioned

As to Niagara I did write to the Governor of Canada to complain of all the unwarrantable steps he has taken and among other of his erecting a Blockhouse at Niagara before the Treaty of Limits had settled who it belongs to

I received his answer at Albany in which he flatly denies most of the Facts I complain of

But as to Niagara he pretends possession for above fifty years first taken by Mr de la Sale

This letter from the Governor of Canada was of great use to me with the Indians, for I made a French Interpretess explain it all to them by which they saw that he was obliged to disown all his Proceedings with them, And that his Pretensions to Niagara as belonging to the French was quite contrary to what M^{r} de Longueil sent by the Governor of Canada to treat with them had told them last year, for he acknowledged to them it was their Land and that he only desired leave to keep a Magazine there to supply them with Powder & other necessaries

Upon this occasion the Indians informed me that Fort Frontenac had been built by the French by meanes of the like pretences formerly, by first erecting a Blockhouse on Land which they owned to belong to the Indians & saying it was only to be a Magazine to supply them with Goods And when afterwards the Indians found them fortifying there, they said it was to have a Post to defend the 5 Indian Nations from the attempts of some Northern Indians who intended to invade them. This they own they were foolish enough to be deceived with thirty years ago but were now resolved not to lett Niagara be fortified tho' it had been so once already by the French and they had pulled it down

I can not think that the French having been long ago at a place gives them a Title to it without the consent of the native Proprietors for it is only *derelicta* that become Primi occupantis, but Niagara and a thousand miles further all round the Lakes, has been all along used by the five Nations as their Hunting Country after having subdued the old Inhabitants, before the French came into America, all which Right the five Nations have conveyed to the Crown of Great Britain in these express words in their reply to Lieut Governor Nanfan at Albany July 19. 1701

"We do give up and render all that land where the Bevor Hunting is which we won in War "eighty years agoe to Coraghkoe our Great King and pray that he may be our Protector "and Defender there"

And in that very Treaty the Indians complained of the French settling at the *Detroit* between Lake Erie & Lake Huron as an encroachment on the Land of their Beaver hunting. This Title of the 5 Nations or Iroquois as the French call them to the hunting country

appears by the Maps of the French Travellors as Baron la Honton & Pierre Hennequin in those countrys where in several Parts it is marked *Chasse des Iroquois* and in the late French Map of the Lousiane published in 1718 there is one place marked *Nation detruite par les Iroquois.* I can not see what the French can pretend to invalidate this Title tho' by their unwearied application, they have been continually making encroachments on this hunting country of the five Nations & small settlements in the best spots of it particularly at *le Detroit* before mentioned which is the richest spot of all

To shew your Lordships what pains the French take to gain our Indians notwithstanding the Governor of Canada's Protestations to me of the contrary; while I was at Albany there came an Indian express from the Senecas country to his brethren at Albany telling them that there was some french men come to their homes to warn & conjure them not to go to Albany, for that I designed to cut them all off that I might get their Lands and that if they would have some to go to Albany to let it be only a few old men and that even they would be in great danger of being poysoned so restless as the French in these Parts but the Indians seem resolved to keep them at a distance for the future, and I hope next year when I have received the Kings present that I shall fix what I have now begun on such a foot that the French will not be able to defeat it which makes me beg your Lordships to obtain so necessary a supply for me for it has been a great charge & expence to myself beside the allowance of the Assembly, to make a noble present this time because it was necessary but what I shall not be able to bear again I did intend to settle the Palatines as far as I could in the middle of our Indians, but finding the could not be brought to that I have granted their own request which was to have a license to purchase of the nearest Indians which are the Mohocks which I have yeilded them with this condition that it be not nearer than a fall in the Mohocks River which is forty miles above Fort Hunter & four score from Albany by which the frontier will be so much extended & those people seem very well pleased and satisfyed with what I have done and as a proof of it all that did live in a lawless manner before on the Land at Schokery which had been granted to other Proprietors have now actually taken leases from them and attorned Tenants to them.

This is the substance of what I have done at Albany which was all that I could think of these for the publick good and I reckon myself very happy to have been able to make such a progress in it

I will not trouble your Lordships longer at this time only repeat my instances that you will please to obtain the 2 per Cent Act to be confirm'd the Kings presents for the Indians to be sent and the Stores for these Garrisons all which we are in the utmost want of and I hope your Lordships will think so promising beginnings, may deserve a more particular Protection and Encouragement

I am

My Lords

Your Lordships

most dutiful &

most humble Serv^{t}

sg^{d} W Burnet

Conference between Governor Burnet and the Indians.

[New-York Papers, Cc., 72, 73.]

Propositions made to the Nations of Indians viz^{t} the Maquase, Oneydes, Onondagues, Cayouges & Sinnekes by His Excellency William Burnet Esq^{r} Capt^{n} General & Gov^{r} in Cheif of the Provinces of New York & New Jersey and Vice Admiral of the same—in Albany the 7th September 1721

PRESENT— Of His Majestys Council

Capt^{n} Robert Walters — Cadwallader Colden

James Alexander

Commissioners of Indian Affairs

Coll Pet^{r} Schuyler	Evert Banker
Coll James Weemes	Capt^{n} Henry Holland
Capt^{n} John Warren	Phillips Livingston
Hend Hanse	Johannes Bleecker
Johannes Cuyler	Johannes Wendel
Peter Van Brugh	Capt^{n} J^{n} Collins

The Mayor and Aldermen of Albany and divers Gentlemen from New York, that attended His excellency.

Brethren

I am come hither to meet the five Nations who have so great a name above other Indians and to speak to you as a brother sent by the Great King of Great Britain to assure you that he will always be a kind father to you as he is to your Brethren on the other side of the Great Lake if any of the Brethren had only seen his face, they would have found it shine with so much courage and Wisdome & Goodness upon them that they would not have wanted any other persuasions to be his good children & never to hearken to any commands but his. His greatest pleasure is the happiness of his people their liberty is dear to him he loves and values you because you are a free People and will loose your lives rather than be slaves, He has therefore ordered me to renew the Old Covenant Chain between you and all his subjects in North America & their friends the Indians under their Protection & to make it Brighter if possible than ever it was before in token of which *I give this Belt*

Brethren

As you can never live too much like Brethren with the English so you can not be too careful not to trust the French even now in time of Peace and that you may grow wise by our experience as well as your own I will tell you the cheif affairs we have had with the French on the other side of the Great Water, within the Memory of man. The old French King who was a great Tyrant and the Jesuits who are every where the falsest of men perswaded a King of England to make slaves of us as the French King had done of his People, But when our King endeavor'd it our nation rose up in arms againt him, and drove him away and chose an other King who was a mighty conqueror, and then the English made a Law that after his death and the late Queens the crown should be set on the head of our present King, that so that bad King might never come back he was then fled to his friend the French King and that began a War between the two Nations till the French made so many fair promises that they obtained Peace but some years after the English finding that the French

acted quite contrary to all their promises made war upon them in the late Queens time and hav^{g} a mighty Captain to lead them on they were always victorious & the French King would then have been entirely subdued if his great Presents given in secret had not prevailed on the cheif councellors about the Queen to call home her great Captain and to give the French a Peace contrary to the advice of Her good Brother our present King. After the Queens death our King put away all those evill Councellors & because he is a great Warrior, the French feared him & their old King dying soon after, they submitted to a Prince among them who was the best friend to our King of all their Nation, until their young King should be a man which will now be in a little time, This has made them observe their Treaty on the other side of the great Lake better than before but here because it is far off they have ventured to break it in many things hoping it would not be observed for they did promise in their last Treaty not to meddle with you but to leave you entirely to the care and Government of the English

They have likewise agreed not to Trade with the English in America and the King my master who knows them well has ordered his subject for their Good not to trust them or trade with them, or have any correspondence with them in these parts for fear that in time of Peace they may gather strength from us which will give us more trouble if a Warr should break out though we are sure of always beating them in the end

I have now told you what I know better than you can to shew you what reason we have to be jealous of the French Designs tho' it is now a time of Peace, You can best inform me how deceitfully they have always treated you and how little reason you have ever to trust them again

How can you or we trust them when they are not true to one an other Their old King took away their Libertys & broke all his Promises to his People & made them slaves by keeping great numbers of soldiers among them for which reasons many of the people[1] have run away to the English for Protection & liberty & if they did not keep many soldiers to hinder it more would come away

But we have no occasion for so many soldiers in time of Peace because we are a free People and have all one heart & one Interest among ourselves and with you and have nothing to fear from one an other, and when there is Warr we are all brave fighting men & are more in number & better men than the French with all their Soldiers and shall always fight better than they because We do it not only for the Kings pay but every man for his own safety

By this the Brethren see the difference between the French and English nation & that they can never be friends together from their heart tho' they are at Peace nor can the Brethren of the 5 Nations be friends to both of them, because then neither of them can love them entirely but will always look on them with a jealous eye, Let then the Brethren resolve now whether they will become slaves and French men or remain free and keep their hearts entirely English. *A Belt*

Brethren

I have now given you this information & advice in General I come now to speak concerning those particular propositions which are of the greatest moment for your welfare and Preservation and the good of all His Majestys subjects in North America

Brethren

I am informed that some French men of Distinction have been lately among you to perswade you to break the Covenant Chain with us or at least to let it grow rusty & that the

[1] *their poor* People. *New-York Council Minutes*, XIII, 149. — Ed.

French Interpreter often comes among you with his companions and lives among you, & fills your ears continually with false and malitious reports of the English and that the French have built a trading House on your Land; Now all this is of very dangerous consequence to you, both because it will make the friendship between you and the English grow colder, & because the French came among you only to find wayes to weaken & destroy you & they have built a house on your Land that it may be ready to be turned into a Fort when ever a War shall break out

Now I will advise you how to hinder all these evill practises & designs of the French for the time to come without using any violence to them or giving them any pretence to make War upon you. When the French come among you again let them know that you disapprove of their coming into your Country & living on your Land at Oniagara or any where else that you give them Positive Notice to take away the said House and to come no more into your country And that if after this warning given them they do return you will complain to me and inform me who the persons are that offend after this regular Notice given by my order.

For the French have agreed in their last Treaty in express words not to molest the five Nations which they certainly do if the come among you or live on your Land after that you have forbid them to do it any more whenever you make your complaint to me of it I will acquaint the King my master of it & he will demand an order from the Regent of France to the Governor of Canada to punish the offenders against the Treaty which the Governor of Canada will not dare to disobey Thus you see I take the cheif trouble upon myself & desire not hard of you follow this advice & tell the French I gave it you A Belt

Brethren

If the French are not permitted to live among you some of our people would come and live with you and supply you with what you want much cheaper and better than the French

And now that you may see what care I have taken already of you and how much I value the advice you give I have made enquiry what your opinion has been concerning the surest way to weaken the French & to pull down their Forts & I find you have advised us to stop the Trade to Canada from this Place, whenever I knew this at my first coming into the Country I got a severe Law to be made against this Trade and now because I find it is not quite broke I have ordered a guard of Soldiers to stop up the way to Canada effectually When you consider how much I value your good advice I hope you will be the more exact in observing my Orders and then I shall be able to open a path into your country for a great Trade and I do not doubt but that you will Sweep the Path clean for our people to come among you & for the farr Indians to come through your country to trade with us. A Belt

Brethren

In the last Spring I received a letter from the Governor of Virginia with a Belt of Wampum, by which the Indians behind Virginia propose to the five Nations that y^e^ River Potomack & the high Mountains to the westward of Virginia shall be the boundaries of their hunting on both sides & that the Indians of Virginia may not for the future come over those Boundaries to come to the five Nations without leave from the Governor of Virginia, and that the five Nations may not come over those Boundaries to the Indians of Virginia without my leave. This Proposition the Governor of Virginia approves & joyns in it & will take care it shall be performed by his Indians in token of which he has fixed the Kings Seal of Arms for y^e^ Province of Virginia to the said Indians Belt & he further informs the Brethren that some of His Negro Slaves are lately fled into the woods over the high mountains he desires if any of the Brethren in small Partys find them in their Hunting that they will bring them Prisoners to Germana a

new Town forty Miles to the Eastward of the High Mountains & upon the River Rapahanock & those who bring them shall be well rewarded. *The Virginia Belt*

Since I received this Belt from Virginia I have been certainly informed that some of the Brethren with some French Indians with them have gone to War against the Virginia Indians this last summer notwithstanding all their Promises to the contrary when they received[1] the Covenant Chain in the last fall in this Place it is a scandall to the five Nations that they have been so much deluded by the French, do not they see plainly that the French set them warring with other English Indians, on purpose to weaken them I hope they will never be so foolish again I have likewise heard that the Brethren are sorry they have taken the French advice in this matter and that they have sent some people to treat with the Governors in Pens country & in Maryland & in Virginia that what is past may be forgot & that nothing of that kind may ever be done for the future. I desire that you will tell me all the truth of this matter I hear also that some of the young men among you have killed some cattle on the road and about this Place I hope you will reprove them for it & not let them do so any more *a Belt*

I hope the Brethren will promise me nothing but what they will perform or else I shall never trust or love them and I give the Brethren leave to think me no longer a good man if ever I break my promise to them.

I have brought them as noble a Present as ever was given them from His Majesty King George I will deliver it to them after their answer that they may not have it too soon to be cheated of it for Rum as has often been done, but that they may carry it home entire I shall likewise take care that they have Provision for the Road when they are ready to go and Rum enough but not till they are just going I have now done & wait for their answer as soon as the Brethren are ready

Answer of the 5 Nations of Indians viz The Maquaes Oneydes, Onondages, Cayouges and Sinnekees to his Excellency William Burnet Esq^{re} Capt^{n} General and Governor in Cheif of the Provinces of New York and New Jersey & Vice Admiral of the same in Albany the 9th of September 1721

PRESENT— Of His Majestys Councill

Captain Robert Walters Cadwallader Colden

James Alexander

Commissioners of Indian Affairs

Coll Peter Schuyler	Evert Banker
Coll James Weemes	Capt^{n} Hen^{ry} Holland
Capt^{n} John Warrin	Philip Livingston
Hend. Hanse	Johannes Blecker
Johan Cuyler	Johannes Wendel
Pet^{r} Van Brugh	Cap^{n} John Collins

The Mayor and Aldermen of Albany & diverse Gentlemen from New York that attended his Excellency

Brother Corlaer

You made your proposals to us two days ago which we have understood and you call us Brethren & we call you Brother & so we ought to do, & to love one another as well as those that have suck'd on Breast, for we are Brethren indeed & hope to live and dye so

[1] renewed. *New-York Council Minutes*, XIII., 154. — ED.

You have also told us that you are sent by the Great King of Great Britain to renew the Covenant Chain which is very acceptable to us all & are glad that you are safe arrived over the Great Water & that we see you here in health we promise for our parts to keep the Covenant Chain[1] inviolable as long as Sun & Moon endure with all the Great Kings subjects in North America as well Christians as Indians & shall endeavor dayly to make the Chain clearer and brighter in Token whereof gave a Belt of Wampum

Brother Corlaer

You advise us not to trust the French nor to have any correspondence with them, which advice we resolve and do now with this Belt solemnly promise to follow and not to have any communication with the French in the least neither is their any occasion nor necessity for it now in time of Peace but if any misunderstanding should, happen or a War should break out probably there might be occasion for some of our people to go thither to settle matters and cultivate a right understanding between us and you on one Side & the French on the other gave a Belt of Wampum

Brother Corlaer

You have told us of our doing amiss in suffering the French to build a Trading House at Onjagora or Niagara or to let them come and treat or Trade with us in our Country we are resolved as soon as any French come to the five Nations to tell them to pull down that trading House at Onjagara, and not to come either to settle or Trade among us any more and to inform them of those matters with that very Belt you gave us & whatever answer they make us we will communicate to your excellency and we promise that we will keep our word as you enjoin us and doubt not but that you will always keep yours gave a Belt of Wampum

Brother Corlaer

You have also propos^{d} that we should keep the Path open and clear & sweep^{d} for the Far Indians to come hither and Trade through our Country which we promise to do and not only so, but to encourage them to come and trade at this place and we will keep all Peace and good correspondence with these upper Nations, but are afraid that there may be a Breach here between the Brethren and them because they are unruly & kill your Cattle sometimes which creates a Misunderstanding we hope all prudent care may be taken to prevent any breach on that Score gave a Belt of Wampum.

Brother Corlaer

We have understood what you propose relating to Virginia now if the Governor of Virginia will take care that his Indians perform what he is pleased to promise in their name, and not to let them come over Potomack River nor pass the Great Ridge of Mountains without his leave we do solemnly & faithfully promise on y^{e} Part of the 5 Nations that none of our people shall pass that River of Potomack and the High Mountains without the leave of your Excellency — do give a belt of Wampum.

You have also told us that there was some negroes belonging to the Governor of Virginia run away and that if any of our small partys met with them to carry them Prisoners to Virginia to Germana village 40 miles within the Mountains, which we promise to do, and in token thereof give a Belt of Wampum

[1] *antient* Covenant Chain. *New-York Council Minutes*, XIII., 157. — Ed.

Brother Corlaer

We own our people have done amiss in killing of Peoples cattle we will use all meanes possible to prevent such ill practices for the future, but we must own we have not that power and command over our people as your officers have over their Souldiers nevertheless all imaginable care shall be taken to disuade the young people from such base actions gave a Belt of Wampum

Brother Corlaer

You told us we shall henceforth know one an other by our Deeds & that it's in vain to promise any thing unless we fully resolve to perform it, now we promise to obey your commands in that particular, not to correspond any more with the French but to depend entirely upon the English and cleave close to them since they have so good a King as you are pleased to inform us and if so we have a Request to make that Powder be not sold so dear as it is now, the Traders give but very little powder for a Beavor give a Belt of Wampum.

[We have done now with our Answer only being informed that your Excellency is marryed[1] at New York, We. beg leave to acquaint you, that We are glad of it, and wish you much Joy And as a token of our Rejoycing We present a few Beavers to your Lady for Pin Money, and Say withall that it is Customary for a Brother upon his Marryage to invite his Brethren to be Merry and Dance.

Indians Answer

His Excy thanks 'em for their Answer to his Propositions

His Excellency told them he thanked them for their good wishes, and that their Answer to the propositions was very pleasing to him and hoped they would keep their promise inviolable, And made them the following Present in the name of his Majesty, and Orderd them some Barr^{ls} of Beer to be merry withall and dance which they did according to their Custom and were extreamly well Satisfyed.

The Present was

5. p^{s} Strouds	213 Ozibrigg Shirts	14 Doz. of Knives	200^{lb} Barr Lead
5. p^{s} Duffels	50 Red Coats	4. doz. of Jack Knives	10 Cases Ball
5. p^{s} Blankets	1000^{lb} powder in Baggs	5. doz. Square Looking Glasses &	12 doz Jews Harps
4. p^{s} half Thicks	20 Brass Kettles	30 Doz of Round	1500 Flints.—
50 Guns	50 p^{rs} of Stockings	28. p^{s} of Gartering	6½ Barr^{ls} Tobacco
50 fine shirts	6. Doz. of Cizors	12. p^{s} of Binding	1 hhd Rum
		20^{lb} Beads—	

This is besides the Private presents w^{ch} his Ex^{cy} gave to Diverse Sachims of the five Nations as, Guns Powder, Shirts, Rum, Laced Coats, Lac'd Hatts &c^{a} and besides the Presents given to the River Indians.

A true Copy Examined p^{r} me
Rob^{t} Livingston Sêcry for
the Indian affairs—]^{2}

[1] Governor Burnet married a daughter of Abraham Van Horne, one of the most eminent merchants of New-York. — Ed.

[2] The passages within [ ] are from the Record of the Conference, in *New-York Council Minutes*, XIII., 160, 161.

Governor Burnet's Instructions to Captain Peter Schuyler, Jr.

[New-York Council Minutes, XII., 168–173.]

By his Excellency William Burnet Esq[r] Captain Gen[l] and Governor in Chief of the Provinces of New York New Jersey and Territories Depending thereon in America and Vice Admiral of the Same &[c]

Instructions for Captain Peter Schuyler Jun[r]

Instructions for Captain Peter Schuyler Junr & Compy

You are with all Expedition to go with this Company of Young Men that are willing to Settle in the Sinnekes Country for a twelve month to drive a Trade with the far Indians that come from the upper Lakes, and Endeavour by all Suitable means to perswade them to come and Trade at Albany or with this New Settlement.

You are not to Trade with the four hithermost Nations but to carry your goods as farr as the Sinnekes Country to Trade with them or any other Indian Nations that come thither.

You are to make a Settlement or Trading House either at Jerondequate or any other Convenient place on this Side of Cadarachqui Lake upon the Land belonging to the Sinnekes, and use all Lawfull means to draw the furr Trade thither by Sending Notice to the farr Indians that you are settled there for their ease and Incouragment by my order, and that they may be assured they shall have Goods Cheaper here than Ever the French can afford them at Canada for the French must have the principall Indian goods from England, not having them of their own.

You are also to acquaint all the far Indians that I have an absolute promise and Engagement from the five Nations that will not only suffer them to pass freely and peaceably through their Country, but will give them all due Encouragment and sweep and keep the Path open and Clean when ever they intend to come and Trade with this Province.—

Being informed that there are Sundry French Men called by the Dutch Bush Loopers and by the French Coureurs Dubois who have for several years abandon'd the French Colony of Canada and live wholly among the Indians if any such come to Trade witd you, with their furrs you may supply them and give them all possible Incouragement to come hither where they shall be supplyed with Indian Goods much Cheaper than at Canada.

Althô the place where you Settle be Land belonging to the Crown of Great Britain both by the Surrender of the Natives and the Treaty of Peace with France Nevertheless you are to Send out Skouts and Spyes and be upon your Guard the French not being to be Trusted who will use all means to prevent the far Indians comeing to Trade with you or their comeing to Albany.

You are to keep an exact Dyary or Journall of all your proceedings of any consequence, and keep a constant Correspondance with the Commissioners of the Indian affairs at Albany, whom I will order to give me An Account thereof from time to time, and whenever you shall receive directions from me to Treat with the Sinnekes or any of the five Nations you are to be carefull to minute down your proceedings And their Answers, and to send them to me with the first opportunity incloseing them to the Commissioners of the Indian affairs who will forward them with all Expedition, and if any matters of great moment and fit to be kept very Secret do occur you are to Send an Account thereof to me in a Letter

Sealed which may be inclosed to the Commissioners in order to be forwarded, and you are not obliged to mention such matters in your Letter to the Commissioners.

When you come to the Sinnekes Country you are to give them a Belt of Wampum in token that they are to give Credit to you as my Agent to Treat with them of all matters relating to the Publick Service and the benefit of the Trade, and at your desire to furnish you with a Number of their People as you shall want for your assistance and safety on such Conditions as you and they can agree on.

When you have Pitch'd upon a convenient place for a Trading House you are to Endeavour to purchase a Tract of Land in the Kings Name and to agree with the Sinnekes for it which shall be paid by the Publick in order that it may be granted by Patent to those that shall be the first setlers there for their Incouragement

You are not to hinder or molest any other British Subjects who are willing to Trade there on their own hazard and Account for any Indian Goods Rum only Excepted.

You are to Communicate to the Company such Articles of your Instructions as shall be proper for their regulation from time to time.

If you Judge it necessary you may send one or two of your Company either among the far Indians or to come to Albany as the necessary Service of the Company shall require but not above two of the said Comp^{y} of which Yourself may be one be Permitted to be absent at one time.

When you are about to be absent yourself from the said settlement you are to leave a Copy of such part of of these Instructions with the Lieu^{t} as you Judge necessary for his regulation

All the Goods and merchandize that you and said Company shall take along with you are to be upon one Joint Stock and Account and all your profitt and Losse to be the same, Given under my hand at the Mañor of Livingston the Eleventh Day of Septemb^{r} in the Eighth year of his Majestys Reign Annoq Dom. 1721.

W. Burnet

Additionall Instructions.

Additional instructions for Capt Schuyler

Whereas it is thought of great use to the British Interest to have a Settlem^{t} upon the nearest part of the lake Erée near the falls of Iagara you are to Endeavour to purchase in his Majestys name of the Sinnekes or other native propriators all such Lands above the falls of Iagara fifty miles to the southward of the said falls which they can dispose off.

You are to have a Copy of my Propositions to the five Nations and their Answer and to use your utmost Endeavour that they do perform all that they have promised therein and that none of these Instructions be shewn to any Person or Persons but what you shall think necessary to communicate to the Lieu^{t} and the rest of the Company.[1]

[1] The names of the persons forming this Company were, Peter Schuyler, Jr., Captain; Jacob Verplank, Lieutenant; Gilleyn Verplank, Johannis Visger, Jr., Harmanus Schuyler, Johannis Van den Bergh, Peter Groenendyck and David Van der Heyden. *New-York Colonial Manuscripts*, LXIV. They returned to Albany in September, 1722. — Ed.

Governor Burnet to the Lords of Trade.

[New-York Papers, Cc., 80.]

New York 3 Nov 1721

My Lords

I have troubled your Lordships with such tedious accounts lately that I would not so soon repeat the same offence if I was not informed that the 2 P^r^ Cent Act was very much opposed by the Merchants and was in great danger of not being confirmed upon which account I humbly beg your Lordships to call for my Postcript to a letter dated 26 Nov 1720 where I have been very particular in obviating any objections that I think could be made against it, but finding there is still great opposition to it I beg leave further to add the following observations to your Lordships, which I hope will set the justice and reasonableness of this act in its full Light

1 By the Act before mentioned for a Revenue passed in 1691 ten P^r^ Cent was given on goods called Indian Goods, specified therein to be cheifly of English manufacture for 2 years besides the 2 P^r^ Cent on all other English Goods

2 By the Act passed in 1692 which continues the Revenue two years longer, from the Expiration of the first Act five P^r^ Cent is given on Indian Goods besides the two P^r^ Cent on the other English Goods

3 By the Act passed in 1693 the last mentioned duties are given for five years more after the expiration of the preceding act.

4 By the act passed in 1698 the same dutys are given for six years after the expiration of the former act.

5 By the Act passed in 1702 the same duty's are continued to the 18^th^ day of May in 1709 at which time the whole Revenue expired.

The Originals of all these Acts are in the office of the Lords of Trade tho' omitted in the Printed Laws because now expired. It is hoped since the additional heavy dutys of 10 per Cent and afterwards five per cent are not now renewed the moderate one of 2 Per Cent will be confirmed since the profit of 30 or 40 Per Cent is generally made on coarse Goods from Bristol, and 20 or 30 on the finest Goods from London, and that the use of this Act is for the fortifying of this Province, and securing the Indians in the British Interest, without which is secured the whole Beavor Trade which is the cheif return for the aforsaid Goods will be wholly lost from us to the French which makes it more reasonable that the Merchants should bear so small a duty since the most immediate benefit will accrue to them from it unless they desire rather to trade with the French in Canada entirely for Beavor, and to let them have the whole Trade of English Goods with the Indians which has been too much the practice of late, to the utter ruin of the British Interests with the Indians, if it had not been prevented by a seasonable Law made at the same time with the afos^d^ 2 P^r^ Cent Act

I will not be more importunate at present & remain with the greatest respect My Lords

Your Lordships mo humble S^t^

sg^d^ W Burnet

Governor Burnet to the Lords of Trade.

[New-York Papers, Cc., 81.]

New York Novr 30. 1721

My Lords

There was a Bill which passed the Assembly & afterwards was amended by the Council in June last Entituled an Act for facilitating the Partition of Lands in joint Tenancy or in common &c.

The Surveyor General then gave in a Representation to me against this act as prejudicial to His Majestys Rights in this Province

And while I was weighing the matter of the Act with the objections to it I found by the copy of the Laws of this Province printed at London that an act for the like purpose passed here in October 1718 was repealed on July 9th 1719 tho it does not appear that his Majesties Disallowance of it was ever signified to this Government However this seemed to me Reason sufficient to withold my assent to it till I had received your Lordships directions upon it & because the Surveyor General who was then surveying some Lands in Evans Tracts desired time to inform himself more fully of some particulars that he might make his objections to it in the best manner he could I delayed transmitting the Draft of that Bill till this conveyance

The Surveyor General has now given me a fuller Representation upon the same matters, with more particular observations than were mentiond in his former paper. I think these two Representations contain so fully the prejudice that may accrue to his Majesty's Quit Rents in this Province from this Act that I have nothing to add to them but to submit the whole matter to your Lordships great wisdom hoping to receive directions how I am to proceed as to this Bill. I have enclosed the Draft of the Bill & both these Representations to Mr Popple

Governor Burnet to the Lords of Trade.

[New-York Papers, Cc., 75.]

New York Dec. 2. 1721

My Lords

I have sent Mr Kennedy one of the Lieutenants of the Troops here & my adjutant to England in order to sollicit for two additional companies for to be to the four now in this Province, such a Force will be the only effectual security against the Designs of the French and the only sure means to keep the Indians true to us, by having numerous Garrisons disposed in proper Posts in their Country If this is done nothing will be able to defeat the measure I have already taken to settle a Trade with the Farr Indians which settlement now lyes exposed to ye French whenever they shall think it worth their while to break their Treaty & destroy it This is but too much to be apprehended from their former conduct and I hope your Lordships will approve of the measures I now propose to put us out of all apprehensions as this was once moved by Brigadier Hunter for much the same reasons and as he is an experienced officer and a perfect judge of this affair I have directed Mr Kennedy to

obtain of him the particular scheme after what manner he proposed that the six companies should be regimented when he made application for his augmentation

I hope he will give your Lordships yet better Reasons than I can pretend to do for this proposal upon which I hope your Lordships will think it may deserve to be recommended to His Majesty for his approbation and orders thereupon

I am with the greatest Respect
My Lords
Your Lordships most
obedient & mo humble S^t^
Sg^d^ W BURNET

Lords of Trade to Governor Burnet.

[New-York Entries, K., 272.]

To W^m^ Burnet Esq:

Sir,

Having been desired by Samuel Pytts Esq: and his Lady the Countess of Bellomont to recommend to you to be assisting to them in obtaining the paym^t^ of what shall appear to remain due to her as Executrix of y^e^ late Earl of Bellomont on Account of his Lords^ps^ Sallary or otherwise as Governor of New York, we cou'd not refuse so reasonable a request and therefore hope you will favour them by knowing of Col: Depeyster who we are inform'd has the proper warrants in his hands the state of that affair and by pressing him or moving the Assembly, if occasion be such others as it may concern to discharge the debt. We are

Sir
Your most obedient
humble Servants
M. BLADEN
EDW: ASHE
F. HOBART

Whitehall
Dec: 20. 1721

Secretary Popple to Mr. Horatio Walpole.

[New-York Entries, K., 273]

To Horatio Walpole Esq:

Sir

My Lords Cômiss^rs^ for Trade and Plantations have lately received a letter from M^r^ Burnet Governor of his Majesty's Province of New York, wherein he gives account of his Negotiations with the five nations of Indians inhabiting the frontiers of that Province and of the good success he has had therein; But it being absolutely necessary in order to preserve

these people in a good disposition to his Majesty's interest and to keep them out of y^e^ hands of the French who are daily endeavouring to gain them over to their party that they should be treated as well as they have formerly been, and that the usual presents which they have long expected shou'd be sent them; thô as my Lords Cômiss^rs^ are inform'd the money for the same has not yet been issued, their Lordships cômand me to desire you will please to remind the Right Hon^ble^ the Lords of his Majesty's Treasury to give their imêdiate Orders for the dispatch of the said presents. I am

Sir

Your most humble Servant
W^m^ Popple

Whitehall
Jan: the 11. 1721.

Governor Burnet to the Lords of Trade.

[New-York Papers, Cc., 79.]

New York 18 March 172½

My Lords

I take this opportunity to desire your Lordships favor & recommendation of the bearer Capt^n^ Holland to His Mat^y^ to be confirmed in the command of one of the four independent companies at N York for which I have given him a commission upon the decease of Captain Warren

Brigadier Hunter did appoint this gentleman to command the same company upon a vacancy that happened three years ago, But upon application at home an other captain was appointed, who never came to his Post but after receiving a years pay sold to Captain Warren, who did not arrive at his Post till after 8 months more, this has proved so great a discouragement to the old officers here who by their distance have lost their friends at home & find the Government here cannot reward them that I humbly conceive that nothing can set this matter on a foot that will give them any releif but the confirming this commission to Captain Holland and obtaining an order from his Majesty that these commission for the future may be held as firm as valid, I would trouble your Lordships more on this head but that Brigadier Hunter can much better inform you of the necessity of regulating this matter for the future that the service might not suffer and the Government here become incapable of rewarding military men for their services tho in commission for above thirty years as this gentleman has been. I have likewise appointed M^r^ Racks[1] a Lieutenant in Capt^n^ Hollands room which Brigadier [Hunter] had likewise done before and hope your Lordships will please to recommend the confirmation of both to His Majesty

I am with great Respect
My Lords
Your Lordships
mo obedient & most
faithful servant
(Sg^d^) W Burnet

[1] The name is James *Banks*, in *Commissions*, III., 222, 231. He was appointed Lieutenant in Capt. Henry Holland's Independent company of Fuzileers, on 27th February, 1722. — Ed.

Lords of Trade to Governor Burnet.

[Now-York Entries, K., 284.]

To W^m^ Burnet Esq:

Sir

Since our letter to you of the 28 Dec^r^ 1720 we have received yours of the 26^th^ of Nov: & 14 December 1720, 18^th^ of June, 12 July, 1 Aug: 16 Oct^r^, 3 & 30 Nov^r^ & 2 Dec^r^ 1721, with one of the 18 of March last, together with the Acts & several other papers which accompany them. And observing thereupon that the Act entitul'd An Act to lay a duty of two pounds on every hundred pounds value prime cost of all European goods imported into this Colony has a clause therein pursuant to your instruction deferring the execution thereof till his Majesty shall have declared his Royal approbation altho we are extreamly averse to any Acts whereby the Trade and shipping of Great Britain may be affected yet considering the present necessities of your Gov^t^ as well as the services to which the produce of the said Act is to be apply'd We have laid the same before his Maj^ty^ for his Royal approbation And if any order shall be made thereon before this letter goes from hence, We will acquaint you therewith As to the other Acts we are preparing a Representation to be laid before his Majesty with our opinion thereupon.

We take notice in your letter to us of the 26 Nov^r^ 1720 of what you mention there concerning the trading house which the French have set up near the falls of Niagara upon part of those lands which the Natives have long since alienated to the English whereupon we recommend to you the continuing a watchful Eye upon y^e^ French proceeding least they make any fresh encroachment upon his Majestys Territories or correspond or extend their Trade with our Indian Nations which we hope will be effectually prevented and our trade secured by the Fort which you intend to erect at Niagara for which we would advise that you take the consent of the Indian Proprietors as well as upon all other occasions of the like nature we writ long since to the Lord Carteret and to the Treasury upon the immediate necessity there is of sending the usual presents to the five Nations of Indians whereupon the Treasury have order'd the mony for the presents but nothing is done as yet in relation to the stores of war, neither is there any great probability there shou'd your Province being already so much indebted to the Board of Ordnance upon this acc^t^ who cannot lay out any mony beyond the Parliamentary Provisions.

We did as you desire by your above said letter of 26 November 1720, represent the necessity of removing Peter Schuyler and Adolphus Philips from the Council of New York and recòmended in their stead Cadwallader Colden and James Alexander and hope you have received his Majesty's order for admitting them into the Council.

We comend your generosity in remitting the 5 per Cent on the Whale fishery during your time and your prudence in continuing the licenses whereby you oblige the people & preserve the Kings prerogative.

We hope you have received a Commission for appointing Philip Livingston Esq: Secretary to the Indian Affairs in the room of his father in consequence of our representation to his Majesty for that purpose

We are glad to hear, by your letter to us of 16 of Oct^r^ last, of the good success you have had at your meeting y^e^ Indians at Albany and hope you will continue your utmost endeavours to cultivate a good Correspondence with them.

We are very well pleased with the new settlement you have begun to make on the Lake Ontario to which we desire you would give all possible encouragement as it is likely to establish so considerable a Trade with the far Indians and secure them from being molested by the French at Niagara

We also approve of y^e^ use you have made of the letter from y^e^ Gov^r^ of Canada, whereby you explore the designs of the French to the Indians and you was in the right to insist that their proceedings in some particulars have been directly contrary to the treaty of Utrecht we must upon this occasion observe that as there is at present no great prospect of settling the boundaries between the French and our Plantations in America You will do well to extend our settlements with proper precautions as far as you can.

We have writ to the Lord Carteret to desire him to receive his Majesty's orders in relation to the sending two additional Companies as you desire by your letter of 2 Dec^r^ 1721, But the pressure of y^e^ Gov^t^ at home being at present pretty great, we do not foresee any immediate effect from that Rep^t^ We desire you wou'd transmit to us by the first opportunity a particular Account of the five Nations having surrender'd their right of Niagara & of all the land round the Lakes to the Crown of Great Britain in their reply to Lieutenant Governor Nanfan at Albany mentioned in your letter of 16 Oct^r^ last.

As to the draught of a Bill for the easier partition of Lands in joint tenancy or in Cômon upon which in your letter of the 30 of Novr last, you desire our opinion We must refer you to your 35^th^ instruction whereby you are ordered not to re-enact any law to which the royal assent has once been refused without express leave for that purpose first obtained from the King upon a full representation by you to be made of the reason and necessity for passing such law. But upon this occasion we must observe to you that the mem^l^ from his Majesty's Surveyor M^r^ Cadwallader Colden upon that subject dos contain matters of great importance to the Crown which deserve a particular attention and you will hear more from us upon that head hereafter.

We are very glad to be able to inform you that Cap^t^ Holland has obtain'd his Majesty's Cômission to be Cap^t^ of one of his independent Companies at New York.

We hope that by this time you have settled matters about the Palatines in such a manner that neither you nor we shall have any more trouble concerning them.

We thank you for the Mem^l^ which you sent us by M^r^ Durand; we have done what we cou'd for his Service tho' not with so much success as we cou'd wish.

The subject matter of your L^r^ of 18 June 1721, relating to the alteration in the Assembly men of the Jerseys now lyes before his Maj^tys^ Attorney Gen^l^ for his opinion thereupon and when we shall have received the same you shall hear further from us upon that head So we bid you heartily farewell & are

Your loving Friends
and humble Servants
M. Bladen
T. Pelham
Edw: Ashe
R. Plumêr

Whitehall
June 6. 1722.

Governor Burnet to the Lords of Trade.

[New-York Papers, Cc, 92]

New York 17 June 1722

My Lords

I now transmit to your Lordships the minutes of Council for the Province of New Jersey from the 7 March 172½ to the 5 May 1722 & the minutes of Assembly for the same time Their acts assembly are not compleatly engrossed but shall be sent by the next vessel

The Assembly of New York has now been sitting about a Fortnight & I have very good hopes of their proceedings tho I cannot yet inform your Lordships of any thing done except my speech and their answer which I presume to enclose

There is a want of more councillors for the Province of New York in the Room of two who are now wholly useless. The first is *Abraham de Peyster* who has now for this year and more remained quite distracted and is closely confined by his family on that account without any hopes of his Recovery in whose place I beg leave to recommend to your Lordships Mr *Abraham Van Horn* one of the most eminent Merchants of this City

The second Person who is unable to continue in Council according to my 13th Instruction to which I referr is *John Johnston* who has without any leave obtained under the Hand and Seal of any Governor or president, now resided for above two years last past in New Jersey & has had his whole family so long established & settled there and has no thoughts of returning to this province & who is besides all this the very person who has fomented all the mischeif in New Jersey in conjunction with Willow the Jacobite as I have largely explained to your Lordships in my last letter of 25th May. In his Room I humbly recomend Mr William Provoost an other eminent Merchant of this City. Both which I hope your Lordships will recommend to His Majesty to be of His Councill for New York in the room of the other two

I have had the honor of your Lordships letter of the 20th Decr last in relation to the claim of the Countess of Bellomont. I have thereupon enquired of Mr Abraham de Peyster Junr whose father is now distracted, If he had any money in his hands due to Lady Bellomont, who upon Search told me that it appeared by his book that the Lord Bellomont was in his fathers debt & that he did not know that the country were in debt to that Lord for Salary but that he desired more time to inform himself more particularly about that matter and this is the substance of what I can yet learn about it

I am with great respect
My Lords
Your Lordships
most obedient & most
dutiful Servant
Sgd W Burnet

P S

I herewith send you Minutes of Council for New York from 20th Sepr 1721 to 8 June 1722.

Lords of Trade to Lord Carteret.

[New-York Entries, K., 294.]

To the R^t^ Hon^ble^ the L^d^ Carteret

My Lord,

The enclosed Report containing an account of several ill practices in the Province of New York whereby his Majesty is defrauded of is Lands and Quit Rents there which seem'd to us worthy of animadversion, We must desire your Lordship would be please to lay the same before his Majesty for his orders thereupon. We are

My Lord

Your Lordships

most obedient &

most humble Servants

J. CHETWYND

T. PELHAM

M. BLADEN

R. PLUMER

Whitehall
Sept^r^ 26, 1722

Representation of the Lords of Trade to the King.

To the KINGS MOST EXCELL^t^ MAJESTY

May it please your Majesty

William Burnet Esq: your Majesty's Governor of the Province of New York & New Jersey in America, transmitted to us some time since the Draught of a Bill prepared by the Assembly of New York, to which he refused his assent Entituled an Act for facilitating the Partition of Lands in joint Tenancy, promoting the settling and improving thereof & rendring y^e^ payment of the Quit Rents due thereupon certain & easy, together with his own observations on the said Bill, and likewise two Memorials of Cadwallader Colden Esq:, your Majestys Surveyor Gen^l^ of the said Province relating thereunto whereby it doth plainly appear to us, that the intention of y^e^ Assembly was not really what y^e^ Title of the Bill pretended but a manifest design to defraud your Majesty of great Tracts of Land at present possessed by divers persons, in the said Province, under colour of certain exorbitant and illegal grants, to the great detriment of your Majesty's Title and Revenue there.

The consideration of this attempt, naturally led us, to inquire into the true State of this Province, with respect to your Majesty's Quit Rents, and the proportion the same bear to the vast Tracts of Land possessed under colour of the aforesaid grants for the more perfect understanding whereof we humbly beg leave to inform your Majesty

That from the first settling of the British Colony's in America, the Governors of such of them as were immediately under the Government of the Crown have been always impowered with the advice & Assent of their respective Councils to make grants of Lands there to such persons as should be willing to settle and cultivate the same, under the reservation of reasonable Quit Rents & Services which were left to the discretion of the said Governors and Council who certainly ought to have proportion'd the same to the Value and Quantity of the

Land granted, neither can it be presum'd that it ever was, or could be, the intention of the Crown to grant larger Tracts of Land, than in all probability could ever be cultivated by the persons to whom they were granted

New York till King James the Seconds Accession to the Throne, was a proprietary Government Col: Dungan was the first Governor of this Province appointed by the Crown and the powers given him by his Cômission for the disposal of Lands, were in the following terms;

"And we do hereby likewise give & grant unto You full power & authority by and with the "Advice & Consent of our said Council, to agree with the Planters & Inhabitants of our "Province & Territorys aforesaid, concerning such lands tenements & hereditaments as now "are or hereafter shall be in your power to dispose of

"And them to grant to any person or persons for such Term & under such moderate Quit "Rents, Services and Acknowledgements to be thereupon reserved to us as you by and with "the advice aforesaid shall think fit

"Which said grants are to pass and be sealed by our Seal of New York and being entred on "Record by such Officer or Officers as you shall appoint thereunto shall be good & effectual "in law against Us our heirs & Successors.

The same powers verbatim were given to all succeeding Governors, and there is but too much reason to be convinc'd that a very great abuse was made of this trust, tho no formal complaint of it till the Administration of Colonel Fletcher, whose Conduct in this particular, was so very extravagant, that the Earl of Bellomont, who succeeded him found himself obliged, to represent the same to this Board, and we find in our Books the following account from the Crown Surveyor of that Province of several exorbitant and irregular Grants made by the said Col: Fletcher.

"To Godfrey Dellius, Minister of Albany a tract of land being 86 miles in length & 12 more "or less in breadth another tract to the said Godfrey Dellius and four others being fifty miles "in length, and two on each side the Moquase or Mohacks River, in breadth including in the "said Grant the three Moquase Castles

"A Tract of land to Col: Peter Schuyler & Herme Ganesvoor four miles in breadth along "Hudsons River on y^{e} East side thereof & twenty in length

"To Col: Henry Beekman a Tract of land on y^{e} East Side Hudsons River aforesaid being "in breadth along the s^{d} River about four miles, and in length twenty

"To Col: Caleb Heathcote, &^{ca} a tract of land on y^{e} East side Hudson's River, five miles in "breadth and twenty in length

"To Cap: John Evans a Tract of Land on the West side of Hudson's River forty five miles "in length along the said River the breadth being computed in some places thirty in some "sixteen miles, it being bounded by certain hills on y^{e} West Side thereof.

"To Col: Nicholas Bayard, certain Tract of land called Skohaare beginning at the mouth "of Skohaare River & runs to the head of said River, which by computation of those that "have travelled those parts, is about forty miles in length, the breadth is uncertain, being "bounded by hills lying on the East & West Sides of the said River, which said tract of Land "includes part of the Moquase or Mohacks land.

The Board had this matter under consideration in y^{e} year 1698; and a true state thereof, in King Williams absence being laid before the then Lords Justices of England they directed the Earl of Bellomont, to put in practise all methods whatsoever allowed by law, for the breaking and annulling of the said grants as will appear by the following Extract of their Excellencies letter for this purpose, being dated the 10 day of November 1698.

"And whereas we have also been informed by the forementioned state of that Province, "that many exorbitant Grants of vast Tracts of Land have been made of late years, (and "particularly some in the Mohacques Country) without any reservation of competent Quit "Rents to his Majesty or any obligation upon the respective grantees to cultivate & improve "the same as reason requires; By means whereof the frontiers of that Province are in danger "of being weaken'd by the desertion of y^e^ Mohacques and other Neighbouring Indians and "the improvement & peopling of the whole Province must of necessity be in great measure "obstructed together with many other inconveniences evidently attending the same we "therefore hereby direct & require you to put in practise all methods whatsoever allowed by "law for the breaking & annulling of the said exorbitant irregular and uncondition'd Grants, "and in case of any difficulty therein that you represent unto his Majesty by one of his "Principal Secretaries of State, and to his Majesty's foremention'd Com^rs^ for Trade & "Plantations whatever you Judge may be further conducive to the effecting of so necessary a "work and further for the prevention of all such like inconveniences hereafter, we also hereby "direct and order for the future you pass no Grants of land within his Majestys said Province "of New York unto any person whatsoever under a less reservation of Quit Rent than 2^s^ & 6^d^ "for every hundred Acres nor without any obligation upon the Grantees to plant, settle "& effectually cultivate the same within the space of three years at the furthest under y^e^ "penalty of forfeiture

This order tho not without some difficulty produced the desir'd effect and an Act was pass'd at New York in the year 1698 by the Governor Council and Assembly there, entituled an Act for the vacating breaking & annulling several extravagant Grants of Land made by Col: Fletcher late Governor of this Province under his Majesty

This Act lay by several years unconfirm'd and the inhabitants of New York, were so far encouraged by this delay that they pass'd another in the year 1702, to repeal the same and many other laws & Ordinances which last Act being duely consider'd by this board they did by their report of the 29 day of July 1707, humbly propose that the same might be disallowed, and that the first Act for vacating exorbitant Grants might be confirm'd and accordingly the same was confirm'd by her late Majesty in Council the 26 of June 1708, But the Queen was graciously pleased at the same time to direct that Grants should be made to each of the proprietors affected by this resumption not exceeding 2000 acres of the lands resumed under a Quit Rent of 2^s^ & 6^d^ for every hundred Acres and on express condition that they shou'd cultivate the same, within the space of three years from the date of their respective Grants

My Lord Lovelace about this time being appointed Governor of New York, her Majesty's orders upon this head were reduced into the form of an instruction in the following terms.

"Whereas we have thought fit by our order in Council of the 26 of June 1708, to repeal an "Act past at New York the 27 of Nov: 1702 Entituled an Act for repealing several Acts of "Assembly and declaring other ordenances publish'd as Acts of Assembly to be void; and "whereas by the said order; We have likewise thought fit to confirm and approve an Act past "at New York the 2 of March 169$ entituled an Act for vacating breaking and annulling "several extravagant Grants of Land made by Col: Benjamin Fletcher late Governor of this "Province under his Majesty by the confirmation of which Act several large Tracts of Land "(as by the said Act will more fully appear) are resumed to Us, and are in our disposal to "regrant as we shall see occasion Our Will & pleasure therefore is, that you may regrant

" to the late Patentees of such resumed Grants a suitable number of Acres not exceeding two " thousand to any one person, And that in such Grants as in all future Grants there be a " reservation to us, Our Heirs & Successors of an yearly Quit Rent of two Shillings & Six " pence for every hundred Acres with a Covenant to plant, settle and effectually cultivate at " least three Acres of Land for every fifty Acres within three years after the same shall be so " granted upon forfeiture of every such Grant

" And for the more convenient and equal setting out of all Lands to be Granted within our " said Province of New York Our further Will and Pleasure is that you our Gov^r^ or Cômander " in Chief of Our said Province for y^e^ time being, the Collector of our customs, Our Secretary " & Surveyor General of New York for the time being (the Surveyor Gen^l^ always to be one) " or any three or more of you & them do set out all lands to be hereafter granted, and that " therein you have regard to the profitable & unprofitable Acres so that each Grantee may " have a proportionable number of one sort and the other; As likewise that the length of each " tract of Land to be hereafter Granted do not extend along the banks of any River, but into " the main land that thereby the said Grantees may have each a convenient share of what " accomodation the said Rivers may afford for Navigation or otherwise

" And to prevent any impediment which the production of Naval Stores in our said Province " may receive from such Grants you are to take care y^t^ in all Patents for Land there be inserted " a clause to restrain the Grantees from burning the woods to clear the Land, under the " penalty of forfeiting their Patent, And you are to use, your. endeavours to procure an Act " to be pass'd in the Assembly of our Province of New York for that purpose

" And lastly our pleasure is that in the said Patents there be likewise a particular reservation " to us, Our Heirs & Successors of all Trees of y^e^ Diameter of twenty four inches & upwards " at twelve inches from y^e^ Ground for Masts for our Royal Navy as also of such other trees as " may be fit to make plank, Knees &^ca^ for the use of said Navy.

The same instruction hath been continued to the several Governors that succeeded my Lord Lovelace in that Province But we find by M^r^ Coldens mem^ll^[1] that several exorbitant Grants formerly obtained without previous Survey are still remaining extended by great fraud & deceit and the bounds industriously concealed from the knowledge of your Majesty's Officers, no number of Acres mention'd in the said Grants or at least infinitly a less number y^n^ is pretended to, by the Patentees

The Salisbury patent for instance grants only 400 Acres, But the Patentees claim about 70 thousand for which they only pay a half a bushell of Wheat Quit Rent p^r^ annum and the Patent of Wowyando which pays but a trifling acknowledgment extends upwards of 50 miles in length, yet the Patentees not content with the same have reincroached near 30 miles square, upon one of y^e^ Grants resumed by the forementiond Act

The persons interested in the Patent of Minicinque of no less extent than the former have made the like encroachments and M^r^ Colden further takes notice that there is one single Patent, now existing at New York, by virtue whereof, the Patentees claim above two Millions of Acres, for which they pay no more than three pound a year to your Majesty, he likewise adds that having calculated the contents of eight Patents only according to their present claim they would at the rate of 2^s^ 6^d^ a year for every hundred Acres produce an annual Rent of four thousand one hundred and seventy six pounds to your Majesty whereas at present they only pay

[1] A memorial from Mr. Colden, similar to that mentioned in the text, will be found in *Documentary History of New-York*, I. — Ed.

Seventeen pounds, seventeen Shillings, and six pence from whence he very reasonably concludes that if justice were done to your Majesty the lands of this Province might produce a sufficient Revenue for the support of your Majesty's Government there without doing injustice or hardship to any person whatsoever.

Your Majesty being highly injur'd by these practices We thought it our duty to lay the same together with our humble observations thereupon before your Majesty that if possible an adequate remedy may be provided for so great an evil which does not effect the Royal Revenue only, but is likewise prejudicial to your Majesty's Interest in many other respects in as much as some part of these exorbitant Grants have been so surreptitiously obtain'd from the Sachems or Princes of the five Indian Nations inhabiting the borders of New York who have in all times adhered to the interest of Great Britain and ought not on any account to be disobliged being an honest warlike people besides that industrious planters are thereby prevented from settling such Lands, as at present lye uncultivated and consequently the Colony can never be peopled as it might otherwise be.

Such is the present state of this Province and we apprehend there is not much redress to be hoped for from the ordinary methods of proceedings in the Courts of Law where it would be difficult to empannel a Jury, that are not concerned in the consequence of these tryalls, and therefore we would humbly propose to your Maj^{ty} that your Majesty's Governor of New York should be instructed to procure another Act to pass the Council and Assembly there as the Earl of Bellomont formerly did for vacating all the exorbitant Grants still remaining

And in order to make y^{e} said instructions more effectual, We would submit to your Majesty's Great wisdom whether it may not be proper that M^{r} Burnet shou'd be directed to acquaint y^{e} Councill and Assembly of New York that in case your Majesty's Commands in this particular meet with a ready obedience your Maj^{ty} will afterwards, take into your Royal Consideration the particular Cases of the persons likely to be affected by this resumption as her late Majesty did but that in case of refusal or delay herein, your Majesty shall be obliged to have recourse to y^{e} legislature of Great Britain for justice against such unreasonable frauds and encroachments

But for as much as it is evident that this disorder cou'd never have happen'd had the lands been regularly survey'd before they were granted and the grants thereof duely registred in the proper offices We are humbly of opinion that the instruction formerly given to my Lord Lovelace relating to the method for granting of lands mention'd in this representation shou'd be further inforced and we wou'd likewise submit whether it might not be for your Majesty's Service that the Crown Surveyor, shou'd be impower'd by Act of Parliament in Great Britain to survey y^{e} the lands of all persons claiming by Grant from your Majesty, or your Royal predecessors in any of the Provinces immediately under your Majesty's Gov^{t} and that all such claimants may be obliged to make due entrys of their respective grants in the proper offices

All which is most humbly submitted

J. Chetwynd
T. Pelham
M. Bladen

Whitehall
Sept^{r} 26. 1722.

Governor Burnet to the Lords of Trade.

[New-York Papers, Cc., 96.]

New York 21st Novr 1722

My Lords

I now send your Lordships all the Propositions made to the Indians at Albany by the Governors of Virginia & Pensylvania as well as my own, with the several Answers of the Indians: which I hope have laid such a foundation for a good understanding between the several Provinces in their Management with the Indians as will make them look upon us as a much more powerful people than the French of Canada while they see us united in our Proceedings, whereas the frequent occasions they have had to observe that the Provinces acted upon separate Interests, have been the cheif cause of their unsteadiness and of their fearing the French more than us

The Governor of Virginia having the year before complained to me that the five nations made frequent inroads into that Province contrary to their ancient Treatys made at Albany with Lord Howard of Effingham, Governor of Virginia forty years ago, & which were several times renewed I did then purpose that they should not exceed certain Bounds in their Hunting or warlike expeditions to the Southward so as to keep clear of Virginia to which Proposal the Indians did consent but expected that the Government of Virginia should send them some Person of distinction to renew the Covenant Chain, as they call it that is to give them a fine present to refresh their Memorys Upon my acquainting Coll Spotswood of this he did at last prevail with the Assembly in Virginia to provide for the necessary charge of this Embassy and accordingly came himself to treat with them on this view, first obtaining my approbation with that of the Council of New York, for every single point he proposed, And this is the subject matter of his two days Propositions to the Indians and of their answers in which they perfectly agreed to what he proposed for the Particulars of which I humbly beg leave to refer your Lordships to the Papers themselves which I have distinguished by Titles on the Back

The Governor of Pensylvania found it necessary to give these Indians a meeting upon an unfortunate accident of an Indian of the five Nations, being killed in Pensylvania by a Christian, for whose death he had not sufficient evidence The Offender continued a Prisoner till the Indians desired his enlargement and declared themselves satisfied and this is the subject of the conference between Sr William Keith and the five Nations

Though I doubt not but Coll Spotswood & Sr Wm Keith will give your Lordships an account at large of these Proceedings, yet as they were transacted in this Province in my own sight. I thought it my duty to do it myself likewise

I had likewise received a Proposal some time ago from the Government of Boston, that they might send Deputys to treat with the five Nations in order to engage them against the Eastern Indians, but finding a great averseness in the Council of this Province that their Deputys should treat with the five Nations unless the particulars were first regulated with the Goverment here & the Government of New England not agreeing to send commissioners to treat with us previously upon the heads to be proposed to the Indians, I found no way but to take this matter wholly upon myself and I accordingly proposed to the Indians the very terms desired by the Government of Boston and have effected the interposition of the five Nations, by messengers now gone from them to Boston & from thence to the Eastern Indians; for which I have the thanks of Governor Shute for making this affair succeed, when he had

little reason to expect it, from the indiscretion of some Persons sent from Boston to Albany, which attempted to treat with the five Nations of Indians without the knowledge of this Government which had raised the jealousy here to that Degree, that I had no small difficulty to bring the Council to agree with me in that affair, which however I did at last. And this is the main matter that is new in my treaty with the Indians of the five Nations and I did also enforce what I had recommended to them the year before to avoid all Dependance on Canada, and hearkening to their emissarys and to encourage the Trade from hence with the far Nations which has had good success, and is in a fair way to encrease their being now a constant company resident on the Lake Ontorio. and who have in presence of the French at Niagara sold goods by our Indians hands for half the value that the French used to extort by which they are likely to loose ground to us in that Trade every year. In my last Speech I did in the presence of the two other Governors take notice of the present strong Union and good intelligence, there is between all the Provinces, which shewed itself in their acting in concert in every thing and that they looked on themselves as concerned equally in what was done to any one of them and so renewed the old Covenant in behalf of the whole British Interest, for the particular of all which I must likewise take the liberty to refer your Lordships to the Papers themselves, all which I have annexed together, with my propositions to the River Indians, as we call them who live interspersed among the Inhabitants and are not so numerous or warlike as the five Nations and much more under command, I have also sent their answer to me

When I was at Albany I expected to have fixed the Palatines in their new Settlement which I had obtained of the Indians for them at a very late purchase, but I found them very much divided into Parties and the cunningest among them fomenting their Divisions on purpose that the greatest number might leave the Province and then the great Tract of Land lately purchas[d] would make so many considerable estates to the few Familys that should remain— And with this view they told me that they found the Land was far short of what the Indians had represented it to them and that not above twenty Familys could subsist there which I shewed them was a mere pretence by naming a Tract where 130 Familys live and flourish, which by their own confession was less and no better soil than theirs however since I found it was their humour to undervalue what had been done for them I thought it best to wait till they should of themselves be forward to settle this new Tract rather than to shew too much earnestness in pressing them to it. But as about sixty familys desired to be in a distinct Tract from the rest & were those who had all along been most hearty for the Government I have given them leave to purchase land from the Indians, between the present English settlements near Fort Hunter & part of Canada on a Creek called Canada Creek where they will be still more immediately a Barrier against the sudden incursions of the French, who made this their Road when they last attacked & burned the Frontier Town called Schonectady—The other Palatines have since my return to New York, sent some of their body to desire a warrant of Survey for y[e] New Tract already purchased, which convinces me that I had done right, in not being too ernest in that affair when I was at Albany And indeed in my dealings with those people I find very little gratitude for favors done them, & particularly that those who were best taken care of & settled on good Lands by my Predecessor are the most apt to misrepresent him and this is managed by a few cunning persons among them that lead the rest as they please, who are for the generality a laborious and honest but a headstrong ignorant people

I have now sent your Lordships one private act for the sale of some houses and Lands belonging to Gilbert Livingstone which will not be effectual till confirmed by his Mat[y] & as

all the Partys concerned, have consented to this act, and it is the only way the Debt to the Revenue can be paid by this Gilbert Livingstone, who was late Farmer of the Excise I hope your Lordships will favor me with an effectual & speedy recommendation of this Act to His Mat^{y} for His Royal approbation

I intend by the next opportunity to send y^{r} Lordships all the other Act pass^{d} in this session of the Assembly at New York with some account of them. I should apprehend being tiresome to your Lordships had not your favorable construction of all my former importunity emboldened me to subscribe myself with a great deal of Cheerfulness as well as with the sincerest respect

Your Lodps mo Obed^{t} Servant
sg^{d} W Burnet

Conference between Governor Burnet and the Indians.

[New-York Papers, Cc., 97—101.]

Propositions made by His Excellency William Burnet Esq^{r} Captain General & Governor in Chief of the Provinces of New York, New Jerseys & Territories thereon depending in America & Vice Admiral of the same &c to the five Nations to wit the Mohogs, Oneydes Onondages, Cayauges & Sinnekees in Albany 27 day of August 1722

Present—His Excellency William Burnet Esq^{re} Capt^{n} General & Gov^{r} in Cheif &c

Of His Mat^{ys} Council of y^{e} Province of New York

Rip Van Dam	James Alexander
John Barbary	Lewis Morris
Cadwallader Colden	

Commissioners of the Indian Affairs

Col P^{r} Schuijler	John Collins
Johannes Cuyler	Ph: Livingstone
P^{r} V Brugh	Joh^{s} Wendel
Evert Banker	Joh^{s} Becker

Interpreted by Lawrence Claese being first translated into Dutch by Robert Livingstone

Brethren

Our last meeting ended with so happy an Agreement & such firm assurances and hearty resolutions on both sides, that if they are faithfully observ^{d} we shall always meet with joyful countenances

You then promised me solemnly not to have any correspondence with the French, but to depend entirely on the English & cleave close to them

That you would keep the Path open for the Farr Indians to come to trade with this Province

That you would never molest Virginia nor any other of the Kings Provinces for the future & that you allowed it was in vain to promise any thing unless you resolve to perform [it]

I begin therefore by demanding of you a solemn assurance that you will continue firm to what you then engaged, that you will inform me truly of your principal late Transactions &

designs & advice with me upon them so that I may be convinced that you have an entire confidence in me & observe an exact Sincerity in your whole Conduct towards me which will be the strongest Tyes of a lasting Friendship between us—Give a Belt of Wampum

I must now particularly thank the Brethren, for their refusing to go out a fighting in Company with some French Indians, who invited them lately to it, this a very promising token of your good disposition, & makes me hope that you will satisfie me that the preparations you are making for going out to War are not contrary to your Promise made last year, give a Belt of Wampum

Because the renewing the Covenant Chain with you in the name of my great & good Master y^e^ King of Great Britain & your loving Father in the behalf of all His Mat^ys^ Provinces in North America, is the most solemn Act which we have together, I think it proper that it may be first diligently searched that there may be no spots or stains left upon it

For that Purpose I have first desired the Brethren to let me know how clean it has been kept with regard to this Province, and to the same end the Governors of Virginia & Pensilvania are come hither at the desire of the Brethren and with the advice and consent of this Government to treat of some matters on the behalf of their Provinces that may remove all spotts that may remain on the Covenant Chain with Relation to them & as they are one nation and under the same King with us I doubt not but the Brethren will hear them with great attention and answer them with that regard which is their due & when these particular Points are firmly settled, the General Covenant Chain will then be made so clean & bright that I shall then be able to renew it with the greatest Satisfaction & with a Strong confidence that it will shine with new Lustre as long as the sun & moon shall endure

A True Copy, examined

P^r^ Ph Livingston, Sec^y^
for the Indian Affairs

Answer made by the five Nations of Indians viz. the Maquase, Oneydes, Onnondages, Cayouges & Sinnekees to His Excell^cy^ William Burnet Esq^re^ Cap^n^ General & Governor in Cheif of the Provinces of New York, New Jerseys, and Territories thereon depending in America & Viceadmiral of y^e^ same in Albany y^e^ first day of Sept^r^ 1722

Present—His Excell^cy^ William Burnet Esq^re^ Capt^n^ Gen^l^ & Gov^r^ in Cheif &c

Of His Majestys Council

Rip Van Dam — James Alexander
John Barbery — Coll Lewis Morris J^r^
D^r^ Colden

Commissioners of Indian Affairs

Peter Van Brugh — Philip Livingston
Johannes Cuyler — Joh^s^ Wendel
Evert Banker.

Interpreted by Lawrence Claese into Dutch & rendred into English by Rob^t^ Livingston

Brother Corlaer

You made Propositions to us some days ago, which we are now some to answer, but since divers of our Sachims are not yet arrived, we shall not be able to answer so well as if those

wise men were present with us and that we had consulted with them so that we hope your Excell^{cy} will excuse us if we answer not so fully & distinctly as otherwise we would if we had their assistance

Brother Corlaer

You told us that we in our last conference about a year ago had renewed the Covenant Chain & was desirous to know how the same has been kept by us in respect to this Province, it is so lately since that was done that the Sun is scarcely gone down since so that the Renovation is fresh in our Memory & we can assure you that we have kept the Covenant Chain inviolable on our Parts according to our Promise & engage to continue to do the same faithfully

It is now a year ago since you forbid us to have any correspondence with the French but to cleave to the English and we did then promise to obey your commands in that matter as we have actually done & do further promise solemnly that [henceforth] we will not correspond with the French of Canada but adhere & cleave strongly to the English

You told us the same time that we should give a free Passage to the Far Indians to cõme to this Place to Trade which we have done & give them all the encouragement & assistance that lays in our Power, & not only so but sent Agents to those Far Indians who trade with the French to invite them to come here to Albany, but our Agents are not yet returned & as soon as they come back shall give your Excellency an account of their answer

Brother Corlaer

We have told you that we have not only permitted y^{e} Farr Indians to come through our Country to trade in this Town but sent our agents thither to invite them & required them to tell the Far Indians that they should have goods very cheap. We therefore desire that the Traders may be ordered to let the Far Indians have good Penny worths, rather cheaper than we of the 5 Nations have it ourselves, which will be the only means to draw them and to induce them to come hither

Brother Corlaer

You did last year likewise charge & command us not to go a fighting towards Virginia, not to pass over the great River of Patawmack, nor the Ridge of High Mountains that surround Virginia we have observed your commands to the best of our knowledge in that Particular Some of our People have been out a Warring against the Flatheads which of old have been our enemies, but they live to the Westward & Southward of Virginia & have not passed the Ridge of the Mountains nor the said River, we remember you also told us then, that it was in vain to make any promise, except we resolved firmly to keep it, which we have punctually done in this affair hitherto

Brother Corlaer

You likewise told us that if any matter of moment happened among us, that we should acquaint you therewith and take your advice which would be a sure token to show that we put our Trust & confidence in you which would be the strongest Tyes of a lasting Friendship between us, which we will do sincerely & truly & repeat to your Excell^{cy} again that we will communicate to you all the Principal late Transactions & matters of consequence that we are privy to both good & bad & thereupon gave a Belt of Wampum

Brother Corlaer

We take notice that you thanked us for not suffering any of our Indians to go a Warring with the French Indians of Canada, we resolve to do the same for the future & disuade any of our People to join with the French Indians to go to War, & if any of the French Indians should happen to come through our Country to go a warring we will endeavor to stop them, bnt if they cannot be persuaded then we will warn them not to go over the Great Ridge of Mountains that surround Virginia, nor to pass over the Great River called Potowmack

Brother Corlaer

You say that you are informed that there was a warlike Preparation making among the Five Nations which we acknowledge to be true but we know not as yet ourselves where they intend to go. Two years ago Two Tuskarores brought a Belt of Wampum from the Governor of Virginia (as they said) and thereby in the name of the Governor of Virginia desired the five Nations to make War & destroy the Tadirighrones,[1] but being informed that the Governor of Virginia was to be at Albany we deferred any resolution about that affair, till we had spoken with him ourselves

Here they stopped, being late and growing dark desired that they may make their further answer on Munday which was agreed to but it happened to rain all Munday so that they did not meet together till Tuesday the 4th of September 1722, when the Sachims of the Five Nations proceeded to make their answer & said

Brother Corlaer

You have told us since our last conference on Saturday that you was informed some of our Sachims had been at Canada & treated with the Governor there, true it is that some of those Sachims y^{t} are now dayly expected with the Blawbek Cheif Sachim of y^{e} Sinnekees have been there & we will discover to you the contents of their conference which they had with the Governor of Canada as soon as they arrive

We inform you also that 3 companies of our People are gone out to fight against the Flatheads that have been our enemies of a long time there are also two French Indians that live at Cadarachqui that went out a fighting 2 years ago towards Virginia by the way of Cayouge, & have their abode among the Tuskarores that live near Virginia & go backwards and Forwards

Brother Corlaer

We will now tell you the Resolution & Opinion of y^{e} 5 Nations that although diverse have endeavored to raise jealousies & evil Reports among us, & so perswade us to have a bad opinion of our Brethren the English yet we never would give ear nor hearken to them but have had from the first making of the Covenant Chain a firm Resolution to keep the same inviolable & we are resolved to persist in that Resolution always

Brother Corlaer

You have sent for us Sachims of the five nations to come here & told us that the Governors of Virginia & Pensilvania would be at Albany for which Message we are thankful & in your Propositions you acquaint us that they are come to treat of matters of Publick concern relating

[1] Called by the English, sometimes Catawbas, *ante*, 491; sometimes Saponies, *post*, p. 673; also *Pennsylvania Colonial Records*, III., 210. — Ed.

to Peace and Concord, we are come for the same purpose and have the same Intentions and put away all evil things and embrace that which is good & amicable did give Belt of Wampum

Brother Corlaer

We desire you not to be impatient because of the long stay of some of the Principal of the Sachims of the five Nations, which we hourly expect, but to be easy they are your bosom friend & we would fain have them here present before we give our final answer because the matters are of importance & we would gladly have their advice and Council do give 3 Skins

As we have earnestly desired your Excell^cy to have a little Patience so we beg the Honorable Coll: Alex. Spotswood, Governor of Virginia and the Hônble S^r William Keith Bart Governor of Pensilvania that they would be pleased to be easy & patient likewise, till these Cheif Sachims arrive being well assured that they will be extreamly glad to see you & the said two Governors. Gave 3 Skins to each of the Governors of Virginia & Pensilvania

His Excellency told them he had staid a long time for them & desired to know if they had any advice whereabouts they were, who answered that they had certain advice that five days ago the Blawbeck & his Company arrived at Oneyde

His Excellency ordered them to send an express immediately for them, since his affairs required him to be at New York & could not stay above 3 or 4 days more which the Sachims did accordingly

A True Copy, examined P^r

PH: LIVINGSTON Sec
for Indian Affairs

Propositions made to the River Indians as well the Skaghhook Indians as those that live below Albany by His Excell^cy William Burnet Esq^re Capt^n Gen^l and commander in cheif &c in Albany the 30^th day of Aug^t 1722

PRESENT—His Excellency William Burnet Esq^r Cap^n General & Gov^r in Cheif &c

Of His Majestys Council

Rip Van Dam	D^r Colden
John Barberie	James Alexander

Coll Morris Jun^r

Commissioners of Indian Affairs

Coll Schuyler	John Collins
Pet^r Van Brugh May^r	Phillip Livingston
Joh^s Cuyler	Joh^s Bleecker

Evert Banker

Interpreted by Johannes Kickerbacker

Children

As often as we come to see y^e Frontiers, and to treat with the Indians, I send for my children the Mahikanders to assure them of my fatherly care and affection & I am glad to have this opportunity of renewing the ancient Covenant Chain which I do in a solemn manner in the name of the Great King my Master in the behalf of all His Subjects of North America, Which

Chain of Friendship I am informed by the Inhabitants of this Place has been kept inviolable by your Ancestors from the first time that Christians settled here in this River & since you have always been obedient children & observed the commands of my Predecessors & been protected by this Government, I do assure you of the same Protection of the Great King, so long as you prove obedient children, which I do not in the least doubt, since you will always find it to be your Interest & Advantage

I need not tell you how destructive your Intemperence has proved and how much your people are diminish^{d} by your excessive drinking of Rum the Women as well as the men being guilty of being often drunck, let me advise you to be more sober for the future, and not to spend what you get by Hunting on strong drink, but lay it out on clothing and other necessaries for your support & above all not squander your Indian Corn for Rum which you ought to keep for your subsistence all the year

I shall conclude by telling you as long as you keep firm to your duty at all times to come, as you have in times past, you may rest assured not only of Protection but of all other good offices in the Power of those that are in Authority under the King our common Father & Protector, give a Belt

As soon as you have made your answer I will make you a Present of such things as are of use to you

Answer of the Mahikanders or River Indians to His Excell^{cy} William Burnet Esq^{re} Capt^{n} Gen^{l} & Governor in Cheif of New York New Jersey &c in Albany y^{e} 31st Aug 1722

PRESENT—His Excellency William Burnet Esq^{re} Capt^{n} Gen^{l} & Governor in Cheif &c

Of His Majestys Council

Rip Van Dam	D^{r} Colden
John Barberie	James Alexander

Coll Morris J^{r}

Commissioners of the Indian Affairs

Peter Van Brugh May^{r}	John Collins
John Cuyler	Phillip Livingston
Evert Banker	Joh^{s} Bleecker

Interpreted by Johannes Knickerbacker in Dutch & rendered into English by R^{t} Livingston

Father

We are glad to see our in Health and that he is come to see us. We are come pursuant to your commands to hear what you are pleased to require of us, we rejoice to hear that the Great King of Great Britain doth think of us & remember such a mean people as we are to renew the Covenant Chain with us

We are come now to renew the Covenant Chain that has been of old between the Christians of this Government & us, At first it was a Tye with our hands joined together, but afterwards we were joined by a Covenant Chain which we now brighten & make clear & clean, so y^{t} it can never be broken, Give a Belt of Wampum

We now renewed & brighten^{d} the Covenant Chain, but since a Chain is apt to rust, if it be not oiled or greased we will grease it with Beavers grease or Fatt y^{t} the smell thereof will endure for a whole year do give 2 Beaver Skins

Father

We look upon you as a great Tree under whose Branches we desire to shelter, and if there should happen any sudden Tempest or Thunder Shower we hope we shall be admitted to take shelter under y^{t} great Tree & be shadowed by the leaves thereof, that no drops may fall on us but y^{t} we may live in Peace and safety, Give a Belt of Wampum

We take you as a loving & tender Father & beg leave to inform you that some of our people that have been out a hunting to y^{e} Eastward have been taken Prisoners by y^{e} English of New England, but since his Excellency our Fathers arrival here, we have rec^{d} intelligence that they are released. We know not whether that account be true but hope & wish it may be so, Gave 3 Beavers

Father

As you have been an affectionate & loving Father to us your Children, so we hope if any mischeif should befall us, you will resent it & protect your children, and not suffer them to be injured we will not be rash to attempt any thing or too credulous to beleive any stories but first acquaint your Excell^{cy} our father & follow your advice & obey your orders Give 3 Beavers

Father

We are sensible that you are much in the right, that Rum does a great deal of Harm, we approve of all that you said on that Point, but the matter is this, When our people come from Hunting to the Town or Plantations and acquaint the Traders & People that we want Powder and Shot & Clothing, they first give us a large cup of Rum, and after we get the Taste of it crave for more so that in fine all the Beaver & Peltry we have hunted goes for drink, and we are left destitute either of Clothing or Ammunition, Therefore we desire our father to order the Tap or Crane to be shut & to prohibit y^{e} selling of Rum, for as long as the Christians will sell Rum, our People will drink it, do give 3 Beavers

Father

We acknowledge that our Father is very much in the right to tell us that we squander away our Indian Corn which should subsist our Wives & Children but one great cause of it is y^{t} many of our People are obliged to hire Land of the Christians at a very dear Rate, to give half the Corn for Rent & the other half they are tempted by Rum to sell, & so the Corn goes, y^{t} y^{e} Poor women & children are left to shift as well as the can do give 3 Beavers

(Ampamit Speaker.)

Father

We have no more Land the Christians when they buy a small spot of Land of us, ask us if we have no more Land & when we say yes they enquire the name of the Land & take in a greater Bounds than was intended to be sold them & the Indians not understanding what is writ in the Deed or Bill of Sale sign it and are so deprived of Part of their Lands—Give 3 Beavers

Father

In former days when the Christians came to settle this Country they came with a ship & desired to fasten their Cable to the Hills near Hosak above Albany, which we readily granted & ever since we have lived in Friendship & Amity together, which we hope will continue so long as Sun & Moon endure Gave 3 Beavers

His Excellency told the River Indians that he was well satisfied with their renewing the Covenant Chain & charged them to keep it inviolable to all the Subjects in North America & assured them if they behaved themselves well & did no injuries to the Christians, they needed not fear any harm done to them & if they suffered any Damage by any private Person they should complain & justice should be done to them as well as to the Christians

The Governor sees that they look better & are better cloathed than the other Indians that do not live among the Christians & therefore that they do well to stay among them He beleives they live better since the Christians bought & improved their Lands than they did before for then the Land lay waste & unimproved. His Excellency order[d] them to divide the Presents that shall now be given them One half for the Indians that live above Albany & the other half for those that live below Albany

A true Copy, examin[d] P[r]

PHILIP LIVINGSTON, Sec[y]
for the Indian Affairs

Further Propositions of His Excell[cy] William Burnet Esq[re] Capt[n] Gen[ll] & Governor in Cheif of the Province of New York &c to the 5 Nations of Indians, viz The Mohogs, Oneydes, Onnondages Cayouges & Sinnekees in Albany the 13 day of September 1722

PRESENT—His Excellency William Burnet Esq[re] Capt[n] General & Gov[r] in Cheif &c
The Honble Coll Alexander Spotswood Governor of Virginia
The Honble Sir William Keith Governor of Pensylvania

Of His Majestys Council

Rip Van Dam — John Barberie — Cadwallader Colden

Commissioners of the Indian Affairs

Pet[r] Schuyler	Evert Bancker
Hend[r] Hanse	Ph: Livingston
Joh[s] Cuyler	John Collins
P[r] Van Brugh	Joh[s] Blecker

Brethren

The hearty concurrance with which you have received what I lately proposed to you in the behalf of this Province as well as the Propositions made to you by the Governors of Virginia & Pensilvania has given us all so entire satisfaction, that we now appear together in the name of all the British Colonies, to shew you that as we are all subjects of the Great & Good King George, so we have all one heart & one mind, & that we are all jointly concerned in every thing that relates to one anothers security & happiness

This brotherly love it is that is the peculiar distinguishing mark by which Men may know us to be Christians & by many expressions from you of the same strain I am inclined to hope you will deserve that honorable name, if you act up to your Promises, but since you have acknowledged that there is a God who will judge us accord[g] to our Actions remember that he will punish us severely if we say one thing & do the contrary, & that not only in another life but in this we may expect that they who break their Faith will have the Frowns of Heaven upon them & they who keep it shall prosper and flourish & now since all Stains are entirely wiped off from the Covenant Chain and that you have resolved to be sincere for the time to come which is the only way to keep it bright & clean in conjunction with these Governors I do now solemnly renew it with you in the name of all his Mat[ys] Provinces in North America, Give a Belt

Brethren

Since you tell me that you are determined to cleave close to all the English I doubt not of your being thoroughly incensed against the Eastern Indians who have lately attacked your Brethren under the Government of Boston and contrary to all their repeated [and] solemn Treaties and Engagements & their frequent submission to that Government have lately destroyed several of their Eastern Settlements, by taking their vessels, burning their Houses Killing their Cattle & cruelly murdering several of y[e] Inhabitants which Insults were grown so intolerable, that that Government has at last been obliged to declare Warr against them as Traitors & Rebells

The Governor of Boston did some time ago acquaint me with the Injuries they had received from those Indians & then sent Commissioners with a noble Present which is still in this Town to inform you of it & desire you to interpose your good advice with those Indians in order to prevent a War. But as there was then no War actually declared, it was hoped that it would not come to that height as to require your interposing, and it was thought necessary that I should meet you first myself & know your intentions before any proposalls of that kind should be made to you & now that I find by conferences with some of you that you have no Engagements with those Indians & that you resent the outrage done to your Brethren the Christians as you ought to do, and since a War is now actually declar[d] I think it necessary that without waiting for Commissioners from Boston, or any other delay you send a few Deputys from the 5 Nations to the Eastern Nations to let them know that you have heard with indignation how perfidiously they have treated your Brethren y[e] English & that you require them forthwith to beg a cessation of arms of the Government of Boston in order to treat of a Peace which will be the only way for them to avoid the Anger and resentment of y[e] five Nations who cannot look on unconcerned when their Brethren the English receive such barbarous Treatment, & because there is now war between them I have thought it the securest way for you to go by the way of Boston with a Christian to accompany you who shall carry a letter from me to the Governor of Boston & have a Passport to shew upon the road thither The Governor of Boston will then send a party to conduct you safely to the Eastern Indians by which means you will be secure from any ill accident either through Malice or Mistake throughout your whole journey, And I do engage for that Government that they will give a handsome reward to the Messengers besides a noble Present to the 5 Nations when the Service is effected gave a Belt

Brothren

We have made a new Law severer than that which was made last year to put an effectual Stop to the Trade from Canada for Indian Goods If any Indian can discover such Goods carrying to Canada he may seize and bring them to the Commissioners & if he can inform who is the owner of them, that Owner may by this last Law be obliged to discover the truth himself, and then the Indian will be entituled to receive one Hundred Pounds besides the goods—so that there is sufficient encouragement to you to stop that Path yourselves as far as relates to Indian Goods which is all that is prejudicial to you in the Canada Trade

I have for your further Encouragement and to carry on the Trade with the Farr Indians through your Country despatched Major Abraham Schuyler[1] your old Friend to reside in the Sinnekees Country whom I dont doubt you will embrace as a brother and receive him in all your counsels especially when any French come among you that he may be ready to detect any false reports which they would endeavor to infuse into your people

I do not insist on your telling me particularly who have been in Canada contrary to your promises last year, but I am willing to draw a cover over your Past faults of every sort But if for the future any of your people go to Canada I will not look on those offenders any more as Brethren and I forbid them positively to come hither for I hate to see any such double hearted Persons, & I expect that they never have any share of my presents but if the will be Frenchmen, let them go & be French men entirely, for they will but deceive and corrupt the good Brethren of the 5 Nations, by living with them & now before I part with you I must observe the ill consequence of bringing such a number of your young people hither whom you acknowledge that you cannot govern & who do great injuries to the Inhabitants, which has occasioned quarrels & mischeif, and obliges me to order some soldiers to walk round the Town, to hinder any injury to be committed by the Indians on the Inhabitants or by the Inhabitants on the Indians and that nothing like these desorders may happen for the future I do positively command you not to bring above 60 or 70 persons in all including Sachims Warriors young men & women when I send for you to meet at this Place I shall then be able to provide you plentifully with Provisions and such young people may be found to come along with you for whose good behaviour you may answer & upon this I give a Belt

This has been a great & solemn meeting and I hope it will never be forgott & that the Covenant Chain will now endure as long as the Rocks & mountains to which it is fastened

I now lay down my present that you may have no further occasion to keep your young men whom I will not permitt to stay longer here since they were guilty of such insolent Practises last night and herewith command them to begin their march directly out of Town that no further disorder may happen & I expect you will send some of your wise men with them, leaving a sufficient number to answer me

A true Copy Exam[d]
P[r] PHILIP LIVINGSTON
Sec[y] for the Indian Affairs

[1] The instructions in *New-York Council Minutes*, XIII., 350, are the same as those, *ante* p. 641, to Captain Peter Schuyler, Jr., who had built a Trading House and passed a year at Caniaterundequat. — ED.

The Second Answer of the five Nations of Indians viz the Maquase, Oneydes, Onnondagues Cayouges and Sinnekees, to His Excellency William Burnet Esq^{r} Capt^{n} General & Governor in Cheif of the Provinces of New York New Jerseys & Territories thereon depending in America & Vice Admiral of the same in Albany the 14th Sept^{r} 1722

PRESENT—His Excell^{cy} William Burnet Esq^{re} Capt^{n} General & Governor in Cheif &c
The Hônble Coll Alexander Spotswood Governor of Virginia
The Hônble S^{r} William Keith Bart Governor of Pensilvania

Of His Majesty's Council

Rip Van Dam	John Barbery	D^{r} Colden

Commissioners of the Indian Affairs

Coll Peter Schuyler	Evert Banker
Peter Van Brugh	John Collins
Joh^{s} Cuyler	Joh^{s} Bleeker
Hend Hanse	Ph Livingston

Interpreted by Lawrence Claese into Dutch and rendered into English by Rob^{t} Livingston

Brother Corlaer

You have made Proposals to us yesterday which we will now answer as well as we are able you told us that this has been a great & solemn meeting, which we own having been made with Your Excell^{cy} & the Governors of Virginia & Pensilvania & we acknowledge that if these Treaties now concluded, be well observed by both parties it will be a great Happiness to our children & Childrens Children as for our parts we are resolved to keep & maintain whatever has been concluded now, & stipulated between us all & shall imprint it on our Posterity to be by them kept inviolable for ever

Brother Corlaer

We will answer the Principal Heads of your Propositions made to us yesterday you renewed the Covenant Chain in Conjunction with the two other Governors of Virginia & Pensilvania, in y^{e} behalf of all the English Colonies of North America all which we do in like manner in the behalf of the five Nations & do resolve to keep and maintain the same for ever and if there be any spots or Stains thereon or any Rust come upon it [we do now wipe off the same and brighten it that] it may be clear and lasting to all future ages

Brother Corlaer

When the Christians first came to this Country our Ancestors fastened the ship that brought them behind a Great Mountain with a Chain in order to secure the same which mountain lyes behind the Sinnekees Country, so that the one end of the Chain, being fastened there and the other end at y^{e} Ship, if any body would steal away & molest this ship the chain will jingle & make a noise & so alarm all the 5 Nations who are bound to defend this ship & this is the foundation & original of the Covenant Chain among the 5 Nations, which our ancestors made, which was to preserve this ship from any harm gave a Belt of Wampum

Brother Corlaer

You acquainted us yesterday how villanously & barbarously the Eastern Indians had fallen upon our Brethren the English of New England & murdered y^e^ people for which we are much concerned and sorrowfull and according as you require in your Proposition we have pitch^d^ upon an Indian of each nation to go to Boston & so to be conducted to the Eastward & acquaint those Indians with what indignation we heard of their base Treatment of our Brethren & command them to beg peace of the English of New England and since we have not a Belt to give in return for that Belt you gave us upon this Proposition, we intend to make use of that Belt you gave us yesterday to the Eastern Indians when we communicate to them our Intentions that we can not look unconcerned when our Brethren of New England receive such barbarous Treatment

Brother Corlaer

You told us yesterday that we were not to go to Canada or have any correspondence with them, but those that would go thither, they might stay there for altogether, and not return to deceive and corrupt the 5 Nations, but we remember it has been recommended to us formerly to have Peace & amity with all People, even the farr Indians that are in Friendship with the French & to draw them to come & Trade in this Government and accordingly we have followed that advice & the French being in Alliance with the English & in Peace we hope it may not be of any ill consequence if at any time some of our People went thither to retain that good understanding y^t^ is among us. As long as none goes thither to betray their country nor their Allies, since it is Common & the Practice every where when Nations are in Peace & Amity with one another to go & visit each other for if we should wholly refrain from going thither, would it not be of bad consequence to us some time or other therefore we hope it will not be ill taken if sometimes some of our People should go thither

Brother Corlaer

As to your Excellency's Proposals yesterday relating to the severe Law made prohibiting the sending Indian goods to Canada, & what encouragement is given to any person whatever who should discover the same, in answer to which we say, that we will not concern ourselves any ways in y^t^ affair. We are peaceable People & inclined to Peace & if we should intermeddle in any such matter, we should but create ourselves a great many enemies & therefore desire to be excused

As to the Proposition relating to our People coming in such great numbers here, when any publick affairs are to be transacted, we own it is of bad consequence, as we find by experience, by mischeif done by our ungovernable young men, both in Town & Country & therefore we accept very kindly & approve of what you propose of sending no more in the whole but 60 or 70 Persons or such a number as the Messenger shall acquaint us withall, when he comes to call down the 5 Nations to treat here at Albany & thereupon gave a Belt of Wampum

Lastly say Brother Corlaer

We have told you at large the first settlement of the Christians here & how at first we traded together & afterwards made the Covenant Chain & how cheap we had goods at first & how much dearer we pay for the same sort of Goods now & moreover that the Powder is not only dear but bad y^t^ we cannot kill the Peltry with [it] which is the Christians Dammage as well as ours—We have heard that our Great King George is a very good Man & our friend and sends

that which is good but we are afraid that our Brethren the Christians that live here do abuse us when they Trade with us, hope there may be some method found out to prevent it

His Excellency the Governor made them a short Answer viz

Brethren

There is occasion to answer some things that you have said to me tho' the most Part is what I like very well

The reason why I have advised you against trading with the French is because they cheat you always & take advantages in time of Peace in order to weaken you by advising you to warr against the English Indians, that when a war breaks out you may be an easy prey to them

It is the Handlers or Traders that furnish you with Goods, and if they give you too little the Government can't help it, but you know that the French are still harder upon you, and sell goods much dearer & if you don't stop the Path to Canada as I advised you it is your own faults that Goods are not cheaper for if that Trade be stopped there will be more goods to be sold to you and at more reasonable Rates

I insist upon it that those who go to Canada do not come hither or receive any part of my Presents to you for y^e^ future

NOTE. The words in the preceding Conference within [ ] are added from *New-York Council Minutes*, XIII. — ED.

Conference between Governor Spotswood and the Five Nations.

[New-York Papers, Cc., 102-104.]

Propositions made to the Five Nations of Indians to wit the Maquase, Oneydes, Onnondages Cayouges & Sinnekees, by His Excell^cy^ Alex: Spotswood Esq^re^ Governor of His Maty^s^ Dominion of Virginia in Albany y^e^ 29 Aug 1722

PRESENT—His Excell^cy^ Alex: Spotswood Esq^re^ Governor of Virginia
Coll Nathaniel Harrison Esq^re^ of His Majestys Council of Virginia
Coll William Robinson Esq^re^ a Member of the House of Burgesses of Virginia

Interpreted by Lawrence Claese after it was translated into Dutch by Rob^t^ Livingston

Sachims & Warriors of y^e^ 5 Nations

You often say that your Covenant Chain with Virginia is grown rusty, & have urged of late years, that some Commissioners from that Colony should be sent to this Place to brighten the same

This is an old Story which the People of Virginia remember to have been continually rung in their ears & are sensible that none of the many Treaties which they have made for near fifty years past have ever been long observed on the Part of the 5 Nations Wherefore I am now come hither as Governor of Virginia accompanied by some members of that Government in order to try if our Covenant Chain cannot be so polished as never more to grow rusty & to endeavor at establishing an everlasting Peace between your People and ours comprehending not only the Christian Inhabitants of Virginia but also the several Nations of Indians belonging to and

subject to that Government & according to the custom of this Place, I signify to you this Proposition by giving 2 Belts of Wampum, y^e^ one for the Government of Virginia & the other for all its tributary Indians

Nothing but your assuredly promising (as you did here last year to your Governor) that you would agree to the Preliminary Articles offered by Virginia could have perswaded that Government to send hither to treat with you and therefore before I enter upon any other matter, I expect you to ratify & confirm that principle article which you have declared that you will faithfully observe If I take care that our Indians perform the same on their Part Viz "That the great River of Potowmak & the High Ridge of Mountains which extend all along "the Frontiers of Virginia to the Westward of the present Settlements of that Colony shall "be for ever the established Boundaries between the Indians subject to the Dominion of "Virginia & the Indians belonging to and depending on the 5 Nations: So that neither our "Indians shall on any pretence whatsoever pass to the Northward or Westward of the said "Boundaries without having to produce a Passport, under the Hand and Seal of the Governor "or Command^r^ in Cheif of Virginia nor your Indians pass to the Southward or Eastward of "the said Boundaries without a Passport in like Manner from the Governor or Commander in "Cheif of New York"

Now not only our Indians have given us solemn assurances of their keeping within the prescribed Limits but we have also by this act of Assembly taken such measures for their due performance of the same that the Government of Virginia undertakes and engages for their nations in this Particular, so that nothing remains but that the 5 Nations ratifie & confirm the said Article, which I expect should be done in a Solemn manner not only by their Sachims but also by all their Warriors here present & for that purpose *I offer you this fine Coronet* as a singular Token to be held up in the Presence of all who are upon this occasion assembled, by that Person whom you shall appoint to declare the General Assent of the 5 Nations to this Proposition and let all your People Present at the same time give a shout to be taken as a Signal Testimony of their Concurrence besides I will have it signed by your Sachims & myself before I will either propose or present you with any thing further on the part of Virginia

A True Copy examined
P^r^ P: Livingston
Secretary for the
Indian affairs

Answer of the five Nations of Indians viz the Maquase Oneydes, Onnondages, Cayouges & Sinnekes to His Excell^cy^ Alex^r^ Spotswood Governor of His Mat^ys^ Dominion of Virginia, in Albany y^e^ 6^th^ day of Sept^r^ 1722

Present—His Excellency Alexander Spotswood Esq^r^ Governor of Virginia
Coll: Nathaniel Harrison a Member of His Maty's Council of Virginia
Coll William Robinson a Member of the House of Burgesses of Virginia

Interpreted by Lawrence Claese into y^e^ Dutch language & rendered into English by Robert Livingston

Brother Assarigoe the name of the Governors of Virginia, which signifys a Simeter or Cutlas which was given to the Lord Howard, anno 1684. from the dutch word Hower, a Cutlas

We the Sachims of the five Nations, The Mohogs, Oneydes, Onnondages Cayouges & Sinnekees, together with the Tuscarores are come here upon His Excell[cy] the Governor of New Yorks message

We have heard the Proposition of the Governor of Virginia with great attention & considered it very maturely, but before we answer we must impart what our ancestors have done with respect to this Government

When the Christians first came here, they came in a great ship, & we were glad of their coming & fastened the Ship behind a great Tree & our business then was trading and Merchandize

And considering the benefit thereof & that the Tree to which the Ship was fastn[d] might rot, & so let the Ship go we carried the Anchor behind a great Mountain, that so we might keep it forever, and it was we that desired the Christians to come to settle among us & not they

The third thing that was done by the Christians & our Ancestors, after they understood one an other was to enter into a Covenant of Friendship which they called the Covenant Chain & to the best of our Knowledge that Covenant has been kept by both parties from that time to this, And both our Ancestors were so prudent that they stipulated and agreed that if any bad accidents or mischeif should happen on either side it should be forgot & forgiven and not make a Breach in y[e] Covenant Chain

Brother Assarigoe

When the neighbouring Governments of Virginia & Pensilvania and New England found how well we agreed they were glad to link their Hands in the same Covenant Chain & there were two Places Viz Albany & Onnondague appointed to meet at & to settle a right understanding in case any mischief should happen of either side

Brother Assarigoe

We will not make any further mention of these old Stories of what Our Ancestors did but will now come to the Point & answer your Propositions & we hope if our answer should not be given with that respect & regard which is your due you will excuse us

Brother Assarigoe

You told us some days ago that the five Nations say that y[e] Covenant Chain which was made betwixt us, & Virginia fifty years ago is grown rusty & that we did not long keep or observe the Condition of it & you have forbid us to pass the Southside of the Great River Kahongoronton which you call Potowmack or to the East side of the great Ridge of Mountains which extend all along the Frontiers of Virginia

In the first place we agree to this Article & faithfully promise not to pass over the great River Kahongoronton which the English call Potowmack nor the great Rid[g]e of Mountains which extend along your Frontiers we are glad to find you are come here to renew the Peace as well in the behalf of the Christians as y[e] Indians of Virginia We wish you had brought some of y[e] Sachims of your Indians that they might have spoke to us face to face & have put their hands into the Covenant Chain, but since you are come here we agree to accept what you offer in their behalf in the same manner as if they were present, and tho' there is a Nation amongst you, the Toderechrones (Christian Indians[1]) against whom we have had so inveterate an enmity, that we thought it impossible it could be extinguished, but by a total

[1] Christanna Indians. *New-York Council Minutes*, XIII., 367. — Ed.

Extirpation of them, yet since you desire it we are willing to receive them into this Peace & to forgive all that is past

It has pleased God to make you Christians & us Heathens but we hope we shall both act according to our capacities & be faithful to our respive Promises & engagements, Some are placed in High Stations & some in low, but there is one above who rules and Governs all & will judge us according to our Actions

We hope you will observe that your Indians which you have engaged for, perform what you have promised for them That they shall not pass to the Norward of the River Kahongaronton, nor to the Westward of the Great Ridge of Mountains & as you gave us two Belts one from the Christians & the other from the Indians of Virginia so we give you two Belts one for your Christians & the other for your Indians

It is some time agoe since you made this Proposition to us & you must not take it amiss that we have not answered you before, It was a thing of great importance & fit to be well considered, and it is now agreed not only by all our Sachims, but also by all our Warriors as well those which are absent as those which are present

You have told us that we may pass the great River Kahongoronton & the Great Ridge of Mountains provided we have a Passport from the Governor of New York and we promise you again, not to pass to the Southward or Eastward of the said Boundaries without such a Passport

You told us after this you had something further to propose, relating to the General Peace which we hope you will now speak sincerely without Dissimulation

You told us you had a Coronet, which you would have held up by our speaker & that at the same time we should make a shout as a token of our consent to this Article which we are now ready to do

And we are now ready since you told us you were not satisfied with our words in this matter of consequence to sign your Propositions in the most publick manner

All which was performed accordingly & the Speaker of the Five Nations holding up the Coronet they gave six Shouts five for the five Nations & one for a castle of Tuscarores lately seated between Oneyde & Onnondage

And a Memorandum was made under the Propositions of the Governor of Virginia importing that one the sixth day of September 1722 the Sachims & Warriors of the five Nations together with divers cheifs of the Tuscarores made their answer by Ondaghsighte a Sachim of Oneyde their Speaker Chosen for that purpose & did solemnly declare the assent of the whole 5 Nations including the Tuscarores & fully agreed to the said Propositions relating to the Peace & Boundaries & that in Testimony thereof they held up the Coronet & signed these Propositions

A True Copy Examined

P^r^ Ph: Livingston Sec^y^ for
the Indian Affairs

The Further Propositions of the Governor of Virginia made to the five Nations on the 10th Septr 1722 immediately after the Indians had ended their answer to Sir William Keith Bart Governor of Pensylvania

PRESENT—His Excellcy Alexander Spotswood Esqre Governor of Virginia
Coll Nathaniel Harrison one of His Maty's Council of Virginia
Coll William Robinson a member of the House of Burgesses of Virginia

Commissioners of the Indian Affairs

Coll Peter Schuyler	Hendr Hansen
Peter Van Brugh	John Collins

Ph: Livingston

Sachims & Warriors

Since the Bounds between your Indians & ours are firmly agreed upon tis necessary now to declare the names of the several Nations of Indians which the Government of Virginia engages for, & those are the Nottoways, Meherins, Nanemonds,[1] Pamunkeys, Chichominys, & the Christanna Indians whom you call Todirichroones that we comprehend under the name,[2] the Saponies, Ochineeches, Stenkenocks, Meipontskys & Toteroes, all the forenamed Indians having their present Settlements on the East Side of the high Ridge of Mountains & between the two Great Rivers of Potomack & Roanoke, which you call Kahongaronton & Konentcheneke & on the other hand it is fit at this time that you declare ye names of all those Indians whom you comprehend in the present Treaty & for whose Performance the five Nations will answer

And to mind you of this Proposition I lay down for our ten Nations of Indians ten Guns

I have already told you yt we have made a Law in Virginia to oblige a due performance of yt Article of the Boundaries which you have ratified & it is highly expedient that I now particularly inform you thereof

If any Indians of the aforenamed Nations belonging to Virginia or those whom you declare to be dependent on your five Nations shall hereafter transgress the said Boundaries without having the proper Passeports already mentioned every such Indian is by that Law liable to be put to death or transported & sold for a slave & as the Government of Virginia will not demand satisfaction for whatever you shall do to any of their Indians whom you shall take on the North Side of Potowmack River & on the West Side of the high Ridge of Mountains so your people must not look upon it as any Breach of the Peace & Friendship which Virginia desires to preserve with the five Nations, if that Government shall hang or transport any of your Indians who shall hereafter be taken without a proper Passport on the South Side of the said River & on the east Side of the said Ridge, And I cannot but think that the wiser sort of your People must approve of a Law that will oblige your foolish & ungovernable young men to hearken (better than they always have done) to the sage Council of the Elders & to observe more punctually a Treaty which their Sachims have thought fit to make for them and in Token of your five Nations as well as our Ten Nations of Indians being bound by this Law *I give fifteen Guns* & that you & your children May at all times to come truly understand what is contained in it, I have brought it hither, under the Seal of the Colony of Virginia & now lodge it in the hands of this Government

[1] Nansemonds. *New-York Council Minutes*, XIII., 354. — ED. [2] *that* name. *Ibid.*

Further Propositions of the Gov^{r} of Virginia made to the five Nations of Indians, Sept^{r} 11. 1722

Sachims & Warriors

It appears to be a method agreed upon by your five Nations to receive no proposalls, nor have any manner of Treaty with any of the English Provinces, than through the Government of New York to which you belong, wherefore Virginia expects you should observe the same Rule with Respect to that Government & that you should not at any time offer to treat with the Indians belonging to that Colony but through the Government there & if you should come to Virginia with an intent to treat with our Indians in any other manner, though you should have Passport from the Government of New York, you must expect it will be held void, & you will be treated as if you came without it & with this Proposition I give you a Belt

You sent me last year a Belt of Wampum as a Testimony of your Promise, that you would seize and carry to Virginia some Runaway Negroes, belonging to that Colony, whenever you did discover and meet with them in the woods, Now I make a general Proposition to you on account of Runnaways & Slaves belonging to Virginia viz that if any such Negroe or Slave shall hereafter fall into your hands you shall straigtway conduct them to Coll: George Masons House on Potowmack River & I do in behalf of that Colony engage that you shall there receive immediately upon the delivery of every such Runaway one good Gun & two Blankets, or the value thereof, & in Token of this Proposition and Engagement *I lay down 5 Guns & 500 flints*

You sent this year to demand of Virginia four Indian boys to be delivered up to you for four of your Messengers which you alledged our Indians had poisoned Whereupon I must tell you that the Government has absolutely rejected your demands & is too strong & powerful to be scared by y^{e} threats of the five Nations into any unjust compliance & I am here ready to justify not only our Indians against this charge, but also to answer for the Colony of Virginia & give all due satisfaction if you can make it appear that the[1] people have ever broke the Covenant Chain with any of the 5 Nations

And to put you in mind of what I say on this Head I lay down five bundles of Beds[2]

On the other hand I came here to accuse the People of the five Nations of divers hostilities, Robberies & Repeated Breeches of their Treaties but since you have declared your desire that all past offences should be forgiven & forgott & have now on your part readily passed over an injury received from a Christian in Pensylvania & more especially seeing you have so fully concurred in my Propositions of the Boundaries, which if duly observed must effectually prevent all future disorders & Injuries to Virginia I shall at this Juncture forbear all particular Charges against you, except only that I must say you have so greatly wronged the person (Capt^{n} Robert Hicks) when you killed his Negro with about seventy of his horses & plundered him of a considerable cargoe of Goods, that to shew the five nations have any sense of Justice they cannot but make him some amends & Reparation for his losses

And in Token of Virginia now burying all revenge & enmity for your past misdeeds, *I lay down a Belt*

Above Six hundred miles have we from Virginia come hither to treat with you nine days after the appointed time of our meeting did we wait before I could have an opportunity of speaking with you & nine days longer before you answered my first Proposition so that seeing a Treaty at Albany occasions so much trouble & expence, you must not expect that the

[1] *our* people. *New-York Council Minutes*, XIII., 356. — Ed. [2] Beads. *Ibid.*

Government of Virginia will again agree to the renewing it after this manner, in this place wherefore let not your young Warriors be possessed with the foolish expectation of provoking (by their Incursions) a Governor of Virginia to come hither again to persuade you to observe this Treaty, for be assured the people there are resolved henceforth to compell an observance thereof. And I hope your firm Intentions are to behave themselves so towards Virginia, as that we may for ever acknowledge the five Nations to be our friends & allies

And in Testimony of our Understanding this present Treaty to be made upon the footing of what I have already declared in my foregoing Propositions I shall so soon as I have rec^{d} your Answer, *lay down such a considerable Token as that not only y^{r} Sachims & Warriours but also your Women & Children bear some Remembrance of this Treaty*

A true Copy Exam^{d} P. PH: LIVINGSTON
Sec^{y} for y^{e} Indian affairs

Further Answer of y^{e} five Nations to His Excellency Alex: Spotswood Esq^{re} Governor of Virginia. in Albany 12 Sept^{r} 1722

PRESENT—His Excellency Alex: Spotswood Esq^{re} Governor of Virginia
Coll Nathaniel Harrison one of His Matys Council of Virginia
Coll William Robinson a Member of the assembly of Burgesses of Virginia

Commissioners of the Indian Affairs

Coll Peter Schuyler	Peter V Brugh
Hend^{r} Hanse	Ph: Livingston
Joh^{s} Cuyler	John Collins

Joh^{s} Bleeker

Brother Assarigoe

You are come six hundred miles to treat with us & we are glad to see you You have made your Propositions to us wherein you call us Sachims & Warriors of the five Nations, & acquainted us since we had agreed not to pass the River Kahongoronton, nor the great Ridge of Mountains, that there is a Law in Virginia prohibiting us to pass that River or those Mountains under the Penalty of being transported or sold for Slaves, or put to death We do assure you we are very well satisfied with that Law & desire that those Boundaries may be for ever observed, You have also told us that you will engage for ten Nations of Indians in Virginia, that they shall not Pass to the North side of the River Kahongoronton nor to the Westward of the Great Ridge of Mountains & that if we should meet with any of them without those Boundaries, we might use them as we thought fit, without Breaking this Peace notwithstanding which we assure you if any of your Indians shall happen in our way we will not hurt them, but treat them as friends & give them victuals, so desirous we are of being at Peace with them

Brother Assarigoe

As you engaged for Ten nations so do we viz for the five Nations [and] for the Tuskarores, Conestogoes,[1] Chuanoes,[2] Ochtaghquanawicroones,[3] & Ostanghaes,[4] which live upon Susquehana

[1] Iroquois at Conestoga, Lancaster county, Pa. [2] Shawanese. [3] Iroquois, chiefly Mohawks, settled at Ochquaqua, now Windsor, Broome county, N. Y. [4] Occupying, probably, the Otstonwackin of Loskiel, *Indian Missions*, II., 32, near the Ostonage, which falls into the west branch of the Susquehannah, in Lycoming county, Pa., and is now called the Loyalsock creek. The locality derives its Indian name from *Ostenra*, a rock, which Conrad Weiser says was a prominent object, opposite that village. *Collections of Historical Society of Pennsylvania*, I., 8. — ED.

River you likewise told us, that we had made it a Rule not to treat with any of the Neighbouring Governments but at Albany, so you expected we should not treat with your Indians but through y^e^ Goverm^t^ of Virginia & that tho' we should come with a Pass we must not treat separately with those Indians for y^e^ Pass would be looked upon as void if we should We agree to this Proposition & promise that we will not at any time make any Treaty with the Virginia Indians without first acquainting the Governor therewith & hereupon we give a Belt

Brother Assarigoe

You told us yesterday that you would not sum up any of our former Misdeeds but would forgive all that is passed We acknowledge our People have been guilty of a great many bad actions & heartily thank you that you are so good as to forgive them & as to that honest man Capt^n^ Hicks we own our people did rob him of a very considerable booty & did him a great deal of Mischeif, but by an accident that befel us afterwards it happened we got very little by it for the woods being very dry by the negligence of some of our own people took fire & thereby we lost the most part of what we had taken: Nevertheless when we are able we do promise to make that poor man some reparation for his loss, but at this juncture we are not in a capacity of doing it We have now made a Peace with you & we hope it will be kept by us & our Children's Children for ever & thereupon we give a Belt

Brother Assarigoe

As to the Proposition you made relating to Negroes We promise that if any Runaway Negroes or slaves shall happen to fall into our hands we will carry them to Coll: Masons on Potowmack River for y^e^ reward you proposed: But as to those Negroes which you said we promised last year to send home we hope you will excuse us because they lye very much out of our way & may be had more easily by other Indians Yet if we can serve Virginia in any other thing we shall be glad of an opportunity of doing it

Now Brother Assarigoe

Since we are resolved in case we should find any of your Virginia Indians on the Westside of the Great Mountains or y^e^ North side of the River Kahongoronton not to do them any hurt, we desire that you would tell them when they make fires beyond any of those Boundaries, to lay a stone in them when they leave their quarters & we will do y^e^ same, which will be a sign to us both y^t^ our friends have passed

And lastly we desire that this Peace may be kept by us & our Childrens Children who will rejoice for the making and concluding thereof We have a small Present to make you & hope you will accept of it tho' it is a small one & excuse us that we are not able to give more— And then they gave some furs & Dear Skins

The Governor told them they had taken no notice of that Proposition wherein he mentioned their demand of four Indian boys to be delivered up to them for four of their Messengers which they had charged the Virginia Indians with Poisoning and desired to know whether they were satisfied that that accusation was not just — To which they answered that they were well assured it was not so that one of the Persons who went with those Indians to Virginia, was then present & they were satisfied they died natural deaths & had nothing to accuse Virginia of

The Governor thanked them for their Present, & said he did not look upon it according to its value, but accepted it as if it had been much more. He said he wished it had been greater

only on account of Captain Hicks to whom he gave it as a small Satisfaction of the damage he had sustained by the five Nations. Then they wished him a good voyage whom & told him they should be glad to hear of his safe arrival

Then the Governor told them he must take particular notice of their speaker & *gave him a golden Horse Shoe* which he wore at his Breast & bid the Interpreter tell him there was an inscription upon [it] which signified that it would help to pass over the mountains & that when any of their People should come to Virginia with a Pass they should bring it with them

And then the Gov^{r} Gave them His Presents

A True Copy examined

P^{r} PH: LIVINGSTON Sec^{y}
for Indian Affairs

Conference between the Governor of Pennsylvania and the Five Nations.

[New-York Papers, Cc, 105.]

Propositions made to the five Nations, viz the Maquase, Oneydes, Onnondages Cayouges & Sinnekees by the Hônble Sir William Keith Bart Governor of the Province of Pensilvania in Albany the 7th day of Sep^{br} 1722

PRESENT—The Hônble Sir William Keith Bart Governor of Pensylvania

Members of the Council of Pensilvania

Richard Hill — Isaac Norris — Coll John French

Commissioners of the Indian Affairs

Peter Van Brugh — Ph: Livingston
Hend^{r} Hanse — John Collins

Interpreted by James Latort into the Delaware Indian Language to an Indian called Captain Smith, & by him into the Maquase Language to the 5 Nations, Lawrence Claese Interpreter being present

Brethren

I have travelled a great way to see you & to hold some Discourse with you the people of Pensylvania have always been friends to the five Nations they have punctually observed all their former Treaties w^{t} you. They expect that you do not forget them & therefore I am come to brighten the chain between us, you sent me word that you desired to see me and I have obtained leave of my brother, the Governor of New York to renew our former Treaties [with you] at this Place & I am glad he is present with us to hear & observe all that is spoken, Some of your ancient men can yet remember the first Settlement of the Province of Pensylvania, by William Penn, he was a good man & had a great affection for all Indians, he entered into Leagues of Friendship with them as Brethren & he gave it in charge to his Governors whom he left in his Place & to all his people that they should continue to do the same, Divers great men from the five Nations have on several occasions visited us at Philadelphia and Conestogoe we were always glad to see them and treated them kindly like Brethren they made firm

leagues of friendship with us and frequently renewed and strengthened them we became as one People and hope always to continue so and as often as the five Nations renewed their League with our great & good friends the Governors of New York it still united them more nearly to us as being subjects of one and the same great King. Last summer that wise and good man Ghesaont with some others of your people came in the name of all the five Nations to visit us at Conestogoe we received them with joy and opened our hearts to each other he rejoiced to see us and our Indians live in so much Peace together We brightened the Chain that it might be clear strong and lasting as the Sun & Stars, but when we heard that Ghesaont died in Virginia we were very sorry, yet I hope the five Nations received my Words of Love & Friendship to their Sachims & to all your people with the Golden Medal & the Presents then delivered it was then stipulated and agreed between us that we should all be one people y^{t} the five Nations should not do an injury to any of us more than to themselves & that we should not do an injury to any of the five Nations more than to our own people or if any person did such injury, they should be punished for it in the same manner as if done to an Englishman

Since that time a very unhappy accident has fallen out which gave us great greif Last winter we heard that one of the five Nations had lost his Life by means of some of our People & the very next day after the news came to me at Philadelphia, I sent two of my Council to Conestogoe to enquire into [the matter and bring me][1] the truth, they found that the quarrel arose about Rum between a Brother of the five Nations who hunted near Potowmack & two of our Traders the Indian was angry & went hastely & took his Gun to kill the Englishmen, they in defence of themselves seized the Indian & in struggling gave him some blows & left him, We heard our Indian friend and brother died the next day the men who did this action were brought to Philadelphia & put in prison & they will be tried according to our Laws, in y^{e} same manner as if they had killed an Englishman & to prevent such mischeifs for the future we have made a severe law against selling Rum to the Indians. Though this misfortune gave us great greif yet we are perswaded the Cheif Sachims of the five Nations are so wise as to know such accidents may happen without any ill design among the nearest Brethren & by this they will see how strictly we keep our Leagues & Treaties in punishing those who shall dare to offend & injure them or any of their people, I made haste to send a message to y^{e} five nations by Sachichoe to express our Sorrow & received their kind answer by the return of the same Messenger, you received our message like true Brethren desiring us to wipe away our Tears & invited me to come & see you immediately I sent Sachiloe back with this answer that I would meet you at Albany with my good friend[s] the Governor[s] of New York & Virginia & I sent some tokens to your Sachims which I hope they received with a mourning Gold Ring of my own finger to Sacaunkehaute, Sahichoe returned speedily & said you would be glad to see me at Albany he also told me you desired that John Cartright[2] might be released out of prison & y^{t} the injury done to your kinsman may be forgott. But Sachichoe brought no Belt nor other token to confirm his words & therefore I have brought him along with me that you may know and tell me if he spoke Truth. Brethren you see I am come here with four of my Councells to visit you I have left my family & People & have travelled a great way to take you by the hand to join hearts & to rejoice in seeing each others faces for all clouds & darkness must be done away, that the flame of Love & Affection may burn clear in our Breasts. I have

[1] The words within [ ] in this paper are added from *New-York Colonial Manuscripts*, XIII., and *Pennsylvania Colonial Records*, III.

[2] John Cartlidge. *New York Council Minutes*, XIII., 343; *Pennsylvania Colonial Records*, III., 198. — Ed.

brought these goods with me to bind my words viz—*five pieces of Strouds for clothing, five Cashs of Powder* ℔ 500 *wg^t of Lead*, to encourage your hunting that you may grow rich & strong, & I desire that you will receive them as a pledge of our firm Resolution to live in perpetual Peace & under the strongest Tyes of friendship with the five Nations, that you will ever remember us as your Brethren & not suffer any of your young men when the Travel to hurt any of our Inhabitants, no more than they would their own or kill their cattle & stock, & that this visit & the Covenant Chain which is hereby renewed & brightened may be recorded in everlasting remembrance to be sent down to your & our children & to our Childrens Children, to last as long as the mountains & Rivers & the sun & moon shall endure *I also give you these two pieces of Blankets* to wipe away & dry up the blood that has been spilt & to cover it so as that it may never be seen or heard of more

I live at a great distance from the Brethren & perhaps may never see so many of your grave ancient men together again—I will therefore like a true brother leave with you my best advice for the happiness & welfare of your people & as often as you *look upon these two Belts* Remember that this one signifies the strength which a wise nation acquires & secures to its People, by peaceable counsells & increasing the number of its friends & this other Belt represents to you a bold firm true heart that abhors falsehood but is ever faithful to its friends & punctually observes whatsoever it promises

A true Copy Exam^d
P^r Ph: Livingston Sec^y
for the Indian Affairs

Answer made by the Indians of the five Nations viz the Maquase Oneydes, Onnondages, Cayouges & Sinnekes to the Propositions made by the Hônble Sir William Keith Bart Governor of Pensilvania, in Albany y^e 10 day Sept^r A° 1722

Present—The Hônble Sir William Keith Bart Governor of Pensylvania

Members of the Council of Pensilvania

Richard Hill	Coll John French
Isaac Norris	And^r Hamilton

Commissioners of Indian Affairs

Coll Peter Schuijler	Evert Banker
Peter V Brugh	Ph. Livingston
Joh^s Cuyler	Joh^s Bleeker
Hend^r Hanse	John Collins

Interpreted by Lawrence Claese into Dutch & rendered into English by Robert Livingston

Brother Onas,

which signifies a Pen in the Language of the 5 Nations by which name the call all the Governors of Pensylvania since it was first settled by William Penn

You told us in your Propositions some days agoe that you was come a great way to see us of y^e 5 Nations We thank you for your good Will to us & are very glad to see you here in good health & we hope a good understanding & agreement will be made & concluded between us

You told us also that you was come to renew the Covenant Chain that has been made between us so long agoe even at the first settling of the Province of Pensylvania & to brighten the Chain and remove & do away any Spott or Rust that may be grown upon it since our last meeting and Conference at Conestogoe.

Brother Onas

You have told us y^t at that time you brightened the Covenant Chain between us, that it might be clear & lasting as y^e Sun & Stars in Heaven, for which we thank you, & we being now all present do in y^e most solemn & publick manner renew y^e Covenant & brighten the Chain made between us, that the lustre thereof may never be obscured by any clouds or darkness, but may shine as clear, & last as long as y^e Sun in the Firmament

Brother Onas

You have likewise told us how William Penn who was a good man did at his first Settlement of the Province of Pensylvania make leagues of friendship with the Indians & treated them like Brethren & that like the same good man he left it in charge to all his Governors who should succeed him & to all the People of Pensylvania that they should always keep the Covenant and treaties he had made with y^e five Nations and treat them with love & kindness we acknowledge that his Governors & People have always kept the same honestly & truly unto this day, so we on our parts always have kept & for ever shall keep firm Peace & Friendship with a good Heart to all the people of Pensylvania, We thankfully receive & approve of all the articles in your Proposition to us & acknowledge them to be good & full of Love we receive & approve of the same with our whole hearts because we are not only made one People by the Covenant Chain, but we also are People united in one head one body & one Heart by the strongest Tyes of Love & friendship

Brother Onas

You desire there may be a perpetual Peace & friendship between you & the five Nations and between your children & our children & that the same may be kept as long as the mountains & Rivers endure; all which we like well and on our Part desire that the Covenant & Union made with a clean & true Heart between you and us may last as long as the sun & moon shall continue to give light & we will deliver this in charge to our children that it may be kept in Remembrance with their children and childrens children to the latest ages and we desire that the Peace and Tranquillity that is now established between us, may be as clear as the sun shining in its Lustre without any cloud or darkness & that the same may continue for ever

Brother Onas

We have well considered all that you have spoken & like it well, because it is only renewing the former leagues & Treaties made between the Government of Pensylvania & us of the five Nations which we always beleived we were obliged to keep, And as to the accident of one of our friends being killed by some of your people which has happened by Misfortune, & against your Will we say that as we are all in Peace we think it hard the Person who killed our friend and brother should suffer & we do in the name of all the five nations forgive that offence & desire you will likewise forgive it & that the men who did it may be released from Prison & set a[t] liberty to go whither they please & we shall esteem that as a mark of your regard & friendship for ye five Nations & as a further confirmation of this Treaty

Brother Onas

We say further we are glad to hear the former Treaties we have made with William Penn repeated to us again and renewed by you, & we esteem & love you as if you were William Penn himself we are glad you have wiped away and covered y^e^ blood of our dead friend & brother & we desire the same may be forgott so as it may never be more mentioned or remembered

It is needless for us to answer every particular of your Proposition, because we acknowledge the whole to be good and acceptable to us, Especially your good advice which we will always remember and in Testimony thereof and as a full confirmation of our agreement consent & approbation & all that you have proposed & we have here said and promised we lay down a few Beaver Bear & drest Deer Skins and so concluded

Then the Governor express^d^ his Satisfaction with their answer & gave them thanks for their good will & love to him and y^e^ People of Pensylvania

The Indians then desired to know of the Governor if the men who were in Prison for killing their friend & brother were discharged to which the Governor answered that they were let out upon Bails they then desired that the men might be discharged to which the Governor answered that as soon as he returned to Philadelphia he would give such orders in that affair as should fully answer the request of the five nations in order to confirm the Friendship that is so happily renewed & established by this Treaty.

A True Copy, Examin^d^

P^r^ PHILIP LIVINGSTON Sec^y^
for y^e^ Indian Affairs

[Here follows the Fourth day's Conference between the Five Nations and Lieutenant Governor Nanfan, dated the 19th July, 1701, already printed in Vol. IV., 904–906. q. v. — ED.]

Governor Burnet to Secretary Popple.

[New-York Papers, Cc., 109.]

New York 8^th^ Dec 1722

Sir

I herewith transmit to you the accounts of the two quarters from 25 March 1722 to 29^th^ Sept^r^ 1722 of all vessels trading inwards & outwards as it is prepared by the Naval Officer of this Port for the Perusal of their Lordships together with Duplicates of the two last letters I writ to their Lordships which I depend on your goodness to deliver if they have not received the first I hope soon to have the confirmation of the Councillors for Jersey and New York whom I had recommended

I am
Sir
Your most obedient
humble Servant
W BURNET

Alured Pople Esq^re^

Governor Burnet to the Lords of Trade.

]New-York Papers, Cc., 108.]

New York 12th Dec 1722

My Lords

I am now to give your Lordships an account of the last meeting of the assembly of this Province which met on the last day of May, & proceeded on business till the 7th of July when the pressing occasions of the Members to attend their Harvest, made it impracticable to detain them till the Business of the Session was over, & so I consented to an adjournment till the end of September & then they met and finished the business before them which produced the fifteen following Acts

1 An Act for the further & more effectual prohibiting of the selling of Indian goods to the French

This Act is very severe & directs an oath to be tendered to any suspected persons that they have not traded with the French of Canada under a Penalty of an hundred Pounds if they refuse to purge themselves by this oath

The reason of this severity was because it was evident, that the increase of the Trade & Power of the French in Canada, was cheifly owing to our supplying them with Goods fit for the Indian Trade and that all that contributed towards such supplys to the French were directly under mining the safety of this Province, and giving away our Interest with the Indians to the French Which by my Instructions is forbid as a fatal consequence to the British Interest

This being therefore no less than betraying our country to a dangerous neighbour who pretends an ancient Right to what we inhabit it was thought that a Law of the same nature with those which are made for the security of the Government was a proper method to prevent this growing evil since the most severe of an other kind had been found ineffectual

2 An Act for making more effectual an Act for a supply to be granted to His Majesty for the supporting his government in the Province of New York &c

This was to renew a preventive clause which had been in all former Acts but had been overseen in the last acts, of Support & without which it had been very easy to have defrauded the Revenue of the Duty on wines, by carrying them first to any other neighbouring Province

3 An Act for the more Speedy and effectual recovery of arrears due and payable for dutys laid within this Colony

There were such arrears upon the Revenue, that made it necessary to take some effectual way to make them recoverable with Interest after a certain day named in the Act, unless satisfied before, which has had the desired effect in a great measure

4 An Act for continuing the currency of Bills of credit to the value of three thousand ounces of Plate till the first day of July which will be in the year One thousand seven hundred & twenty 4

The sinking of Bills for 6000 ounces of Plate being a dead weight upon the Revenue & it appearing that the Revenue was not sufficient, even for the support of Government by the present state of the dutys It was found necessary to find an other way to defray this publick debt of which the present Act provides two years more time to pay one half in and by an Act afterwards passed in this Session there is a new Tax laid to pay off the other half and it has been resolved by the Assembly that there shall be the like sum raised for the 3000 oz mentioned in this Act in the year 1724 as appears by their votes, which I have annexed

5 An act continuing a Clause in an act of General Assembly entituled an act for further laying out regulating and better clearing publick Highways throughout this Colony, so far as it relates to the county of Suffolk in this Province

6 An act for reviving an act of General Assembly entituled an Act to prevent Damages by Swine in the county of West Chester, Queens County and the County of Richmond & for including Kings County & Orange County in the same manner

7 An Act appointing commissioners to let to farm the Excise of Strong Liquor in the Citys & Counties in this Colony This Duty of Excise was given for to cancel a certain quantity of Paper Bills and has been let to General Farmers, but they finding it was to their loss would not renew the contract and so it is now from year to year put under the direction of Commissioners, till it can be more advantageously let to general Farmers again

8 An Act for raising the sum of five hundred pounds, to encourage and promote a trade with the remote Nations of Indians and for securing the five Nations in His Majestys Interest, As also the sum of three hundred & 20 pounds, three shilling & two Pence farthing advanced by Several Persons, therein named for repairing the Fortifications on the Frontiers

This Act was readily agreed to because the assembly were well satisfied with the use & advantage of the Application I made of the like sum which was granted for the same purposes last year and is all I can perswade them to apply to that service, unless the Act for two per Cent on European Goods meets with His Màty's approbation

9 An Act for raising the Quantity of three thousand ounces of Plate for the effectual sinking & cancelling Bills of Credit to that value

This is the Act I referred to in my observations on the fourth of these Acts & which the Assembly have resolved to renew next year for the other three thousand ounces of Plate mentioned in the aforesaid fourth Act

10 An Act to encrease the number of Supervisors in the County of West Chester and that no Wages of Supervisors shall be any part of the said County Rate for the future

11 An Act for the Payment of the Representatives of the City & County of Albany

By this act they are to be allowed at the same rate with what the members for two other Boroughs within the same County were allowed by a former Act which was thought reasonable it being the remotest County from whence members must travel to New York

12 An Act for paying Gerrit von Horn, Jacobus Kip, David Provoost and Johannes Jansen Esq^{res} for serving in General Assembly

These are the present members for the City & County of New York who were found not to have the same Provision made for raising their Wages, that the other Representatives had tho' it appears to have been always equally the intention of the Legislature

13 An Act for paying Ebenezer Wilson John Van Horn, Abraham Gouverneur, and Sarah the Widdow and Relict of Johannes Hardenbroek deceased, for serving in General Assembly

These are late members for the City & County of New York who have never been paid as the rest of the members have in other Countys and are releived by this Act.

14 & 15 Two private Bills, one of which I had transmitted to your Ldspps together with mine of Nov 21 last, it requiring His Matys Assent, before it will be in force and the other I transmit at this time I have likewise sent the minutes of Council from the 24th day of June 1722 to the 8th day of September following

I am with great Respect My Lords

Your Lordships Most dutiful & most

obliged humble Servant

Sg^{d} W Burnet

Governor Burnet to the Lords of Trade.

[New-York Papers, Cc., 112.]

New York 29th May 1723

My Lords

I take this opportunity to send your Lordships the proposals of the Government of Boston, to treat with the five Nations of Indians at Albany with ye consent of this Government to it, upon the Terms proposed, which are all contained in the annexed Minute of Council

I have likewise enclosed a copy of an address to be presented to His Majesty by Brigadier Hunter in the name of this Province which I hope your Lordships will approve

The Assembly here are but just met, so that I cannot yet give your Lordships any particular account of their proceedings, but I have hopes that they will provide for the services I have recommended to them

I shall be very happy if your Lordships favorable intentions to me in recommending the 2 Pr Cent act for His Matys approbation prove successful notwithstanding all the oppositions made to it which I am very hopeful to hear when the great affairs of the nation will permitt the little concerns of the Province to come before a Committee of Council in which I have great expectations from the powerful recommendation your Lordships have given to His Majesty in favor of the Act

I am

My Lords

Your Lordships

Most oblige'd mo' dutiful

& most obedient Servant

W Burnet

Governor Burnet to the Lords of Trade.

[New-York Papers, Cc., 116.]

New York 25th June 1723

My Lords

I have the satisfaction to send your Lordships an account of the success I have had in settling a Trade with the far nations of Indians, Last Spring there came about twenty far Indians to Albany and this month about eighty, besides women & children which they commonly bring with them where ever they go, I have sent your Lordships a minute of all their Proceedings at Albany, by which it appears that they are now incorporated with the five nations, who had before admitted the Tuskarores, to make a sixth nation, and now this far Nation has been received as a Seventh, They are come above a thousand miles to Albany from Misilimakenak, which lyes between Lac superieur & Lac Huron as it is laid down in de Lisles Mapp of the Lovisiane

I have since intelligence of forty or fifty more far Indians who are coming to Albany to trade and thus I find the fruits of the Act restraining the Trade to Canada and of the

Company whom I have kept in the Sinnekees Country whose business it has been to persuade all the Indians that pass by to come rather to trade at Albany than at Montreal and as the Indians that come from the remote Lakes to go to Canada are commonly in want of Provisions when they come below the falls of Niagara, they are obliged to supply themselves in the Sinnekees Country where our people are and then they may take their choice where they will go and trade which considering the experience they have now had of the cheapness of Goods in this Province, we need not fear will be universally in our favor, and I now flatter myself that the most difficult part is over, since the very Traders of Albany who were fond of Trading to Canada, generally confess their error and that since the remote Indians will come to them they ought not to share that Trade with the French, which they may keep wholly to themselves

If I am so happy as to get the two P^{r} Cent Act confirmed, I shall be very ernest to build a Fort in the Indian Country among the Sinnekees, which I beleive will be the best way to secure the passage of these remote Indians from any interruptions which may be given them by the French who have their Agents continually busy to pervert our Indians

I send your Lordships two discourses which M^{r} Colden the Surveyor General has composed at my desire and which give a very good account of the climate & trade of This Province I hope this may prove acceptable to your Lordships

The Assembly is now sitting in this Place, they have made some provision for the deficiency in y^{e} Revenue & for the expence of keeping a company in y^{e} Sinnekees Country, but as they have not quite finished I shall defer giving a particular account of their proceedings to an other opportunity; and am

My Lords
Your Lordships
Most dutiful & mo obliged
humble Servant
W Burnet.

P S On the 10th instant Capt^{n} Solgard Capt^{n} of the Ship for this station[1] met with two Pirate Sloops commanded by one Low He has taken one of them & brought her into Rhoad Island and is in pursuit of the other whom he lost in the night, but he beleives much disabled

Mr. Colden's Account of the Trade of New-York.

[New-York Papers, Cc., 117.]

Of the Trade of New York By C Colden, Surveyor General of the Province

The Trade of New York is cheifly to Britain and the British Plantations in the West Indies: besides which we have our Wines from Madeira and a considerable Trade with Curacoa; some with Surinan & some little private Trade with the French Islands—The Trade to the West Indies is wholly to the advantage of this Province the Balance being every

[1] The Greyhound.—Ed.

where in our favor so that we have money remitted from every place we trade with, but cheifly from Curaçoa and Jamaica, these places taking off great quantitys of Flower for the Spanish Trade The Trade to Barbadoes is more considerable than to any one of the rest Provisions being carried thither not only for the supply of that Island but likewise for Transportation to the Spanish coast while the Assiento Factors were settled there, and to the French Islands, so that tho we consume more of the produce of that Island in Rum Sugar & Molasses than of all the others put together we have money frequently remitted from thence or Bills of Exchange for England The Trade to Madeira is to our Loss this Province consuming more wine from thence, than can be purchased with our commodities which obliges the Merchant either to send money or to pay the Ballance of Bills of Exchange for London But whatever advantages we have by the West India Trade we are so hard put to it to make even with England, that the money imported for the West Indies seldom continues six months in the Province, before it is remitted for England The Current Cash being wholly in the Paper Bills of this Province & a few Lyon Dollars

In the time of the last war when the great scarcity of Provisions happened in France, we had a very profitable Trade with Lisbon for wheat, by which several have made estates but that Trade was of no long duration, for the Distance made the carriage so chargeable, being the Ships were obliged to return empty, that the Trade could not be carried on any Longer without Loss, after wheat fell to its usual Price, tho the Wheat of America, be of greater value there than the European, and we can not hope for a return of this Trade unless such a general scarcity of Provisions happens over Europe as did then

The Staple Commodity of the Province is Flower & Bread which is sent to all Parts of the West Indies we are allowed to trade with, Besides Wheat, Pipe Staves & a little Bees Wax to Maderia, We send likewise a considerable quantity of Pork, Bacon, Hogshead Staves, some Beef Butter & a few Candles to the West Indies. The great Bulk of our commoditys in proportion to their value, is the reason we can not Trade directly to the Spanish Coast as they do from the West Indies it being necessary to employ armed vessels to prevent Injuries from the Spaniards & Pirates, but we sometimes send vessels into the Bays of Campechie & Honduras, to purchase Logwood & we have it imported from thence frequently by Strangers. This commodity is entirely exported again for England

From Barbadoes we import Rum, Molassus & Sugar which are all consumed in the Province, from Antigua and the adjacent Islands, Molassus & some Rum for the country consumption, & sometimes Sugar & Cotton for exportation to England, From Jamaica some Rum, Molasses & the best Muscavada Sugar for the consumption of the Country & sometimes Logwood, but the principle returns from thence are in Spanish money, From Curacoa the returns are in Spanish money & Cocoa which is exported again for England Surinam returns nothing besides Molasses and a little Rum which are consumed in the Province, in the time of War when the English could not Trade with the French there was some considerable Trade to the Island St Thomas The Danes from thence supplying the French with our Provisions. We have Cotton from thence & now from the French Islands we sometimes have Cocoa Sugar & Indigo, the far greatest part of which are exported again from England

Several of our Neighbours upon the continent can not well subsist without our assistance as to Provisions for we yearly send Wheat & Flower to Boston & Road Island as well as to South Carolina tho in any great quantity Pensylvania only rivals us in our Trade to the West Indies, but they have not that Credit in their Manufactures that this Province has

Besides our Trade by Sea this Province has a very considerable inland Trade with the Indians for Beaver other Furrs and Peltry & with the French of Canada for Beaver. all which are purchased with English Commodity except a small quantity of Rum. As this Trade is very profitable to England, so this Province has a more considerable share in it than any other in His Matys Dominions and is the only Province that can Rival and I beleive out do the French, being the most advantagiously situated for this Trade of any part of America

This Government (since the arrival of the present Governor) considering that the French of Canada buy yearly of the people of this Province great quantitys of English Goods in English Cloaths fit for the Indians use, and being convinced that the French cannot without great difficulty & expence import these goods directly from Europe and that without them they cannot carry on their Trade with the Indians exclusive of the English: did by a severe Law prohibit the selling of any Indian Goods to the French At the same time considerable encouragement was given to a number of young men to go into the Indian Country as far as the Pass between the great Lakes at the Falls of Iagara, to learn the language of these Indians, & to renew the Trade with the far Indians which our Traders have disused ever since the beginning of the Wars with France This they could not be persuaded to undertake of themselves having of late fallen into the more safe and less toilsome Trade with the French tho less profitable

The Government has pursued this with a good deal of diligence notwithstanding many difficultys put in the way by the merchants who Trade with the French and these measures are likely to have a very happy effect, to strengthen the British Interest on this Continent. For if the Indians shall be once convinced that the French cannot supply them with the Goods they want or that they are furnished much cheaper by the English it will take off the dependance of the remote Indians on the French, which had been increasing of late to the Great Danger of this Province, in case of a War, as well as to the loss of its trade in time of Peace, What is already done has had so good effect, that but a few days ago 80 Indian Men, besides Women & Children arrived at Albany from the furthest nation who live about the place called by the French Missilimakenak 1200 miles distant from Albany, they could not be stopped in their design by all the art of the French who in several places endeavour'd to divert them When they came to Albany they entered into a League of Friendship with this Government & desired to be added to the Six Nations under this Government, and that they may be esteemed the seventh Nation under the English Protection — The Language of those Indians is not understood by any Christian among us, and is the first time we have had any League with them — It is the opinion of many here that by the arts of Peace, with the assistance of a less sum than the tenth of what the expedition to Canada cost the Nation the settlement of Canada would be rendered useless to the French, and that they would be obliged to abandon it

It is evident that the whole Industry, Frugality & Trade of this Province is employed to ballance the Trade with England and to pay for the goods they yearly import from thence, and therefore it is undoubtedly y^{e} Interest of Britain to encourage y^{e} Trade of this Province as much as possible: For if the people here could remit by any method more money or Goods to England they would proportionably consume more of the English Manufactures. We have no reason to doubt that it is truly the desire of our mother country to make her colonys flourish — The only thing in question, is by what methods the produce and Trade of the Plantations can be best encouraged with the greatest advantage to England — It may be that

many in England are not so well informed what their colonys are able to produce and by what means the people in the Colonys will most effectually be put upon such Manufacture or Trade as shall be most beneficial to the Kingdom for the Colonies differ very much in the soil and inclinations & humour of the Inhabitants

It seems to be the desire of the Government of Great Britain that y^e^ Kingdom be supplyed with naval Stores from their Plantations, that they may not rely so much on the Pleasure of foreign Princes for what is so necessary to y^e^ Strength & Wealth of y^e^ Kingdom. Towards this end none of His Matys Provinces can be more useful than this & perhaps no country in the World is naturally better fitted for such produce or Manufactures. There is not any where a richer soil for producing Hemp than in many places in this Province—Such Land as has every year borne grain for above fifty years together without dunging in which I beleive this excells all the other Provinces in North America—Our barren Sandy Lands bear great quantitys of Pitch pine for Tar, The Northern parts of the Province large white Pines* for Masts; & for iron we have great plenty of that Oar in many places close by the Bank of the River where Ships of 3 or 430 Tons may lay their sides the ground every where covered with wood for the Furnace and no want of Water Streams any where for the Forge

The reasons which have hindred the inhabitants from going upon any of these manufactures are the difficulty with which people can be persuaded to leave the common means by which they have supported their familys to adventure upon any new methods which are always expensive in the beginning and uncertain in the profits they yield this reasoning has the more force because few of the Planters have any stock of money by them but depend yearly on the Produce of their Farms for the support of their Familys. North America containing a vast Tract of Land every one is able to procure a piece of Land at an inconsiderable rate and therefore is fond to set up for himself rather than work for hire This makes labor continue very dear a common laborer usually earning 3 shillings by the day and consequently any undertaking which requires many hands must be undertaken at a far greater expence than in Europe & too often this charge only overballances all the advantages which the country naturally affords & is the hardest to overcome to make any commodity or Manufacture profitable which can be raised in Europe

The Merchant will not readily adventure his Stock in raising Hemp or making Tar being unacquainted with husbandry and will more difficultly be induced, because he knows the Farmer does not gain yearly half the common interest of the value of his Land & stock after he has deducted the charge of labor

One of the Methods already thought of for making this Province more useful as to Naval Stores, is a severe prohibition of cutting any white Pines fit for Masts, No doubt the destroying of so necessary a commodity ought to be prevented and it would be difficult to frame a Law for that end with many exceptions or Limitations which could be of much use on the other hand when the literal Breach of the Law becomes generally unavoidable it must loose its force. The Lands of this Province are granted upon condition that the Grantee within three years after the Grant effectually cultivate three acres for every fifty granted and it will not be supposed that it is the intent of the Law to put a stop to cultivating the Land which however cannot be done without destroying the Timber that grows upon it One at first is ready to fear

* Neither the Pitch Pine nor white Pine are properly Pines according to the Botanists but are put by them under the class of ye Larix the white Pine being called by Tournefourt — *Larix orientalis fructu rotundieri obtuso* & by I Bonhin, Cedrus *magna, Sive Libani, Conifera.* I have not seen the true Pine to the Northward of Maryland.

that the poor Planter is under a sad Dilemma—If he does not cultivate he cannot maintain his family and he must lose his Land; if he does cultivate, he cuts down Trees, for which he is in danger of being undone by prosecutions & fines—The inhabitants cannot build Houses without pine for boards & covering, nor send vessels to sea without Masts—It cannot surely be the intent of the Legislature to put the inhabitants under such extream hardships by denying us necessary timber while we live in the midst of such Forests as cannot in many ages be destroyed. And the more that the King for whose use these Trees are reserved, does not nor has not made use of one Tree for many years in this Province

Nor need we mind the apprehensions of some who tell us of what ill consequence it may be if the People of the Plantations should apprehend that the people of England design to cut them off from the common body of English Subjects by denying them the fundamental English Priviledge of being tryed by their country Our mother country the nursery of Liberty will never give up her children to the ravenous appetites of any one man nor will they loose the surest tye she has upon the affections of the people in the Plantations especially in a Frontier Province in the neighbourhood of so potent and cunning a nation as the French are where the native English are less in number than Foreigners French and Dutch who at present think themselves happy under the English Liberty, for the maxim that free subjects are more usefull their Prince than Slaves will be found as true in America as in Europe

But suppose y^e^ People could be restrained from cutting any White Pines it will not answer the end for which it is designed. For if the King were to send people to cut down Masts in the places where they grow & to transport them to such places where they can be carried by water, the charge will amount to treble the sum the might be bought for at New York, if the carrying of them thither were left to the Inhabitants themselves The King in this Case must have a great many hands and overseers in constant pay—He must buy horses, Oxen & Carriages and maintain them or hire them after the most chargeable manner whereas the country people carry these Trees in the Winter upon the Snow and Ice when they cannot labor in the ground and are glad to make a little profit at any rate

To balance any hardship which the Colonys may apprehend themselves to be under The British Parliament has given such rewards & encouragements to their Plantations as no other Nation has done the like for the manufacture of Hemp and Tar—The benefit of this however does not so immediately reach the Planters as the before mentioned Penalties affect him—There is a considerable difference betwixt encouraging the exportation and sale of a commodity which is already the manufacture of the country and the engaging people to go upon a new comodity or manufacture in the first it is sufficient to give the Merchant encouragement to buy and export in the other the encouragement would be more effectual if it were immediately applyed to the persons who are to begin the Manufacture & run the whole risque of its turning to advantage or not

Now I shall mention the means which I think most probable to make this Province useful in producing Naval Stores & which may with the least difficulty be put in practice—In the first place, to prevent the decay of Timber, fit for masts every one that improves Lands on which white Pines grow ought to be obliged to plant white Pines at proper distances all round his fields & enclosures when any of these shall dye or be cut down to put another in its place and some officer be obliged to see this punctually observed And for the encouragement of such as shall raise Hemp that the Receiver General be directed to receive hemp when offered in lieu of money for the Kings Quit Rents at an encouraging price which Price the Receiver

General ought to publish, pursuant to the directions he shall receive from England—The Commissioners of the Navy to appoint a Factor at New York (whose credit must be punctually kept up to purchase Masts and Tar, made according to the directions of the Act of Parliament, who shall yearly publish the prices he will give for any of these commoditys & the Government to save themselves the Benefit of the Bounty. For some years the price to be allowed be above the intrinsic value of the Commoditys, the Loss of which to be defrayed by some publick fund, which I beleive without great difficulty may be found and if these proposals be thought practicable & useful shall be the subject of another paper.

The Parliament appears desirous to encourage the importation of Materials for dyeing which hitherto have been only brought from Foreign Parts I have seen fine Reds & Yellows & good black (the Country people say they have seen all colors) died by the Indians with some roots & woods, which grow plentifully in the Country. As the Indians know very little of the art of dyeing from what I have seen of their Reds. I am apt to believe the root they dye that color with, may be very valuable and we may find some commoditys which at present are not in the Least thought of. When I go next to the Indians country I intend to procure some quantity of them sufficient to make a few experiments

Mr. Colden's Account of the Climate of New-York.

[New-York Papers, Cc., 118.]

An Account of the Climate of New York. by C Colden Surveyor Gen[ll] of the Province

The City of New York lyes nearly in 40. degr: & 40 min: of North Latitude and about five hours west from London—The climate partakes of the extreem climates Sometimes the summer is as hot as in the Torrid Zone, and the Winter often is not less cold than in the Northern Parts of Europe—The Heat & cold depends very much upon the winds and for that reason in the same season of the year are very various, In the Summer when the wind blows from the Northwest which frequently happens) the air is agreeably cool but in the winter it is piercing cold A Southerly and South Westerly wind if it continue any time in Summer, becomes very hot, and if we want winds, which sometimes happens in July and August, the Air becomes sultry Southerly winds in Winter make the cold very moderate We have much less rain or Snow than in England & the Heaven is seldom overcast with Clouds—The Northwest wind being so extreemly cold, even so far South as North Carolina, I beleive is owing to the high ridge of Mountains which lye to the Westward of Virginia, Maryland, Pensylvania and this province, tho it be generally attributed to the great Lakes which lye to the North westward of this Province, for it is observed in all other countrys that the winds which come from any great quantity of water are not so cold as those that come from Mountains and are always accompanied with rain or moisture whereas the Northwest winds here are very drye besides the winds from the Lakes must be stopt in their course, by these high Mountains which lye betwixt us & the Lakes This is confirmed by what I am told by those who have continued some time in the Sinnekees Country near Iagara, on the west side of the mountains, that the Northwest winds there are always accompanied with rain as the easterly winds are here

Tho there be so great a variety of weather in this Country the Height of the Mercury in the Barometer does not suffer so great changes as in England I have had a Barometer by me about six years & never observed the Mercury Lower than 29 inch & 7 or 8 tenths of an inch & it is generally betwixt 30 & 30½ Inches high, tho I have sometimes observed it 31 Inches high which is as high as it is ever observed in England, or I think any where else, but it is so high only in the time of very hard Frost

The Spring is much later than in England, we perceive but very little of it before the latter end of April, March is generally cold and windy, tho for the most part the latter end of February be mild and warm—The winds in March are generally Northerly and they as well as the cold, is owing to the melting of the snow to the Northward of us for these winds are always preceded by some warm weather, either in the latter end of February or beginning of March—The lateness of the Spring is owing to the whole country being covered with wood, so that the Sun cannot easily dissolve the snow which lyes under the Trees or warm the earth—The lateness of the Spring makes it short the hot weather succeeding the cold very quickly—In the Spring the people are subject to Pleuresies and inflammatory fevers, as in all other Countrys upon the breaking up of hard winters, but not so much as in Pennsylvania, and in the countrys to the Southward—The country people and such as are most exposed to the cold are most liable to these Distempers perhaps the reason of the Southern Countrys being more subject to Pleurisies, is that in those countrys the poorer sort are not so well cloathed & have not such warm houses as in this

The Summer begins in the end of May, and continues hot to the beginning of September July & August are the most sultry months, and very often rainy, The air in these two months is always full of moisture, so much that the Doors and windows are observed then to be more swelled than at any other time of the year & Iron rusts so much that it is difficult to keep any Instrument clean which is made of that Metal tho the weather be extreemly hot at the same time A far greater quantity of Dew likewise falls in these months than at any other time, and begins to fall a considerable while before Sun set the Mornings are frequently foggy especially near the Rivers & Marshes, after sun rising this proceeds from the quantity of vapour which falls in the night, & is easily raised but is generally dissipated before ten in the morning—The heat in these months is a great deal more uneasy than in June Tho a greater quantity of the Sun's Rays fall upon the earth in that month than in these

This is owing to the quantity of vapour in the air which retains the heat and becomes in a manner scalding for it is always observed that the heat is a great deal more uneasy before rain (tho' the sun does not shine clear) than it is after a shower when it shines with its greatest brightness, and a burning glass before rain does not burn so vehemently as it does after rain

If the air continues sultry after rain we expect more rain speedily or a great quantity of Dew that night The air is frequently fanned in the hot months with sudden Gusts of Nortwest winds they commonly rise in the afternoon and blow violently for half an hour or little more with heavy showers of rain & thunder claps & leave the air agreeably cool & serene when the Country was first settled these Gusts were very frequent hardly a day in the hot seasons passing without them but now since the country began to be cleared the summer is not so sultry and these Gusts are not so frequent—They are likewise much more frequent in the Provinces to the southward of us than in this.

The Thermometer (mind is of Mr Patricks make) in the Summer within doors where the sun can not reach is generally about 20 tho at sometimes it is above 15 & other times below

30—In June I tryed the difference betwixt what it was in the house & the open air where it was exposed to the suns rays, betwixt 2 and 3 in the afternoon which is generally the hottest time of the day and found the Spirit rise 36 degrees or parts marked in the Thermometer above what it was in the House The Thermometer in the house stood at 26, & exposed to the sun rose 5 degrees above the place marked 3.

The months of July Aug & beginning of september are the most sickly months in the year more people being sick and more children dying than in all the rest of the year The Epidemical Diseases are intermitting Fevers, Cholera Morbus & Fluxes The intermitting Fevers are not near so frequent in this Province as in those more to y^e^ Southward, but I think fluxes are more frequent in this Town than in Philadelphia Two reasons may be assigned for this first, the poor people at this time eat abundance of Water Melons and other such kind of fruits more than they do at Philadelphia The other is that the Water in the Town is not neer so good as there being brackish & so hard (as it is commonly termed,) that it will not dissolve Soap.

The fall in this country (and all over the main of America) is most agreeable from the beginning of September to the middle of November The weather being mild and dry The Sckie always serene, and the People healthy

We reckon the winter from the middle of November to March tho' the violent Frosts do not usually begin till about Christmas & then to the middle of February it is extreemly cold the great River during that time being frozen so hard, that horses and Sleds pass dayly upon it—However it does not every year freeze within several miles of the City but in that time there is often so much Ice floathing that it is not safe for Vessels to go to sea or come in The Winter is above 6 weeks longer at Albany than at New York that place being 140 miles further up Hudsons River—It is likewise longer at Philadelphia than here tho' that Town be above a degree & a half more to the South ward This is owing to that place's being situated upon a Fresh water River which more easily Freezes and to its distance from the Sea

The Thermometer in the month of January is generally about 80 I observ^d^ it twice at 100. & once at 103. Then the frost & cold was excessive, all Liquors except Spirits Froze—I found Madeira Wine which is a very strong wine frozen in the morning in a Room where there had been a good fire all day untill eleven o clock at night Hudsons River was then frozen over at the Town, where it is about two miles broad, and the water very salt, so that people passed over on the Ice in Crowds, but the Ice did not continue fast at this place above 3 days—In the beginning of Winter People are in danger of Rheumatic pains and in February to Bastard Pleurisies

The air of the Country being almost always clear and its Spring strong we have few consumptions or diseases of the Lungs I never heard of a broken winded horse in this Country. People inclined to be consumptive in England are often perfectly cured by our fine air, but if there be ulcers formed they die in a little time

The Climate grows every day better as the country is cleared of the woods, and more healthy as all the people that have lived long here, testifie, this has even been sensible to me tho' I have been but about 12 years in the country—I therefore doubt not but it will in time become one of the most agreeable & healthy Climates on the face of the Earth As it is I prefer it to the climate of England and I beleive most people that have lived any considerable time here & are returned to England will confirm this.

FINIS.

Conference between the Commissioners of Indian Affairs and some Western Tribes.

[New-York Papers, Co., 119.]

At A Meeting of the Commissioners of the Indian Affairs in Albany the 29th day of May 1723

PRESENT— Commissioners of Indian Affairs

Peter Schuyler	Evert Banker
Henry Holland	Ph: Livingston
Peter Van Brugh	Johs. Bleeker

Interpreted by a Sinneke Indian who lives among them and rendered into Dutch by Lawrence Claese

Eighty men of the Far Indians (besides Squas & Children) being arrived at this city, appeared before this meeting.

Twas asked them how many nations the belonged to, where they lived and on what business they were come

They say by their Speaker called Sakena

Brethren

We are arrived here this day and therefore desired the Cheifs of this Place might meet to acquaint them of our arrival Here have been several Nations who have given themselves out for the nation of *Denighcariages (but they were not) we are of that nation & what they have said is not true, & we are those who live most remote from you

* Outaouacs in De Lisle's French Map of Lousiane published in 1718

They being asked where abouts they live and how the French call their Settlements they say (by what could be understood) it is called †Monsiemakenack

† Misilimakenack in ye French Map

Brother Corlaer, Quider & the five Nations

When one brother comes to visit an other it is the common practice among us to smoke a pipe in Peace together & reveal our Secrets — We compare a deceitful heart by a Dark Skie, but we hope that we shall with a clean & pure heart in a fair Sun shining day discover to one an other what we know & therefore desire that according to our Custom we may take each a Whiff out of a Calumet Pipe in token of Peace & Friendship Which being done said we thank the Brethren for smoking out of our Calumet of Peace and is a sufficient proof to us of your friendship

We thought to have found the Brethren of the Mohoggs at home to pay them a visit and shew them our respect but finding none at home we shall tell them what we have to offer

Brethren Corlaer & Mohoggs

We have now done so that you may consider on what we have said to give us an answer we are now here of Six Castles called in our Several Speeches Neghkareage (being two Castles so named) Ronowadainie, Onnighsiesanairone, Kajienatroene, and Tienondaideaga,[1] and what we have further to offer we shall then desire the Gentlemen to meet together to hear us

[1] These were Hurons, and not Ottawas. Compare *Gallatin's Synopsis*, 70; *Schoolcraft's Notes on the Iroquois*, 113. — ED.

The Com^{rs} told the said Indians that they would meet tomorrow morning at seven oclock, and desire that they may appoint two out of each of their Nations to receive an answer if they have nothing further to offer, then what has been said, and that a Sachim shall be pitched upon out of each of the five Nations, to be present to hear what shall be transacted—

At a Meeting of the Com^{rs} of the Indian Affairs in Albany the 30 day of May 1723

PRESENT— Commissioners of Indian Affairs

Peter Schuyler	Evert Banker
Henry Holland	Ph: Livingston
Peter Van Brugh	Johs Wendell

Johannes Bleeker

The Far Indians that spake yesterday having brought a letter from Maj^{r} Abraham Schuyler dated at the great Lake the 19th instant, said that before the proceed to speak they desire to hear the contents thereof which was told them to be as follows—That he by a Belt of Wampum told them he was sent there by his excellency Governor Burnet to invite and encourage them and other upper nations to come & Trade with the Inhabitants of this place, that thirty six French from Montreal who were going up, was then with said Major Schuyler & used all their endeavors to persuade them to go to Canada, but that they would not hearken to what they said

The Indians said by their Speaker called Sakiema of Denighcariages Nation

Brothers Corlaer & Quider

We have long since intended to come & see you here, but the French have hindred & stopped us in the Lake* Ochswego

* Lac Erie in the French Map

Brothers Corlaer & Quider

I have this Spring sent a canoe with Indians hither to see the conveniency of this place and the peoples behaviour that live here and withall to present the six Nations with two Calumet Pipes of Peace and Friendship, which the delivered to the Onnondages and thought with ourselves when we sent that Canoe the people here would have compassion on us since we come hither such a long and tedious Journey

Last year I acquainted the French who live among us that we intended to go to Albany, who asked why will you go to Corlaer & Quider, and if they were our fathers they will certainly kill you, and if you escape them the six nations will do it

We have heard from Indians who have been here formerly who acquainted us*with the kind treatment they received which has emboldened us to break through & not hearken to what the French Say

Brethren

When we come to †Toghsaghrondie we found some of the Indians who live there at home to whom we told that we design'd to go to Albany, who presently joined with us & are now here with us

† Le Detroit betwn Lacs Huron & Erie in the French Map

We acquaint you that here is an Indian called Owiestonis who is the author and occasion of our coming here and is master of Several Nations

A Calumet Pipe amongst our nations is esteemed very valuable & is the greatest token of Peace and friendship we can express

A Calumet Pipe & Tobacco is used when Brethren come together to visit one another and we hope to receive such kind & civil Treatment from you in our Trade that we may with joy smoke with our Neighbours when we return home & tell them how Goods are sold here & gave a Calumet Pipe as a Token of their sincerity and desire that it may be shown to those that for the future shall come hither

They say to the Six Nations

Brethren

We have heard long since that you have entered into an alliance with several Nations and agree friendly with each other hunt together & go a fighting with one another against the Flatheads but we that are so remote from you, have not had such an opportunity and acquaint you also that we have always endeavoured to go to Corlaer and Quider but we heard from a Nation called Aghsiesagichrone,[1] who endeavored to hinder us and told us many evil stories concerning you but would give no credit to them & resolved to come and see

It is a firm Resolution of our Nation what we shall now say to the Brethren here We have given to all our friends & to all Nations with whom we have entered in Covenant a Calumet Pipe of Peace & friendship, & as the Mohoggs are furthermost from us we now call them the end of the six Nations and desire them to accept of this Calumet as a sincere & solemn token thereof, And we Neghearíages now call ourselves the seventh Nation and desire to be received as such — That any of our People that come may smoke out of the same Calumet pipe we give a Beaver Coat to wrap about the same, to preserve it

A Sachim called Owiestoenis stood up & said

Brother Corlaer & Quider

Last year I was here and told you I was a Messenger sent from Tughsaghrondie

Brother Corlaer & Quider

I am but a Messenger & speak in behalf of all these who are here present and desire you to have compassion over us we have spoken with one another last year, and had some discourse together & entered into a covenant with one another and promised not to reveal any thing to those who might enquire into our actions

We promised also one another that we should give no occasion of any Breach of that Covenant we entered into with you, & hope you shall keep it firm & inviolable, which we promise shall be done on our parts, gave a few Drest Deer.

Brother Corlaer & Quider

We speake now in the presence of several nations of us & the six Nations that you may have compassion on us & do promise we shall not hearken to any stories the French may tell us

I have performed the engagement you have enjoined me, in encourageing & perswading the upper Nations to come to Trade here You see now many of them here & beg they may be well used We are obliged to complain of the Waggoners who impose on us, by taking an extravagant Price for a Waggon Freight

We desire that you may not be very nice in the Trade, when we dispose of what we have to purchase your Merch^ts[2] I speak now of the Trade we are to have together & desire we may have a Blanket of Strouds for two Beavers

[1] Mississagues. — COLDEN. [2] when we dispose of what we have *and go* to purchase *from* your Merchants? — ED.

Brother Corlaer & Quider

I desire that according to your promise & engagement when you sent [for] me, we may now have goods cheap for you told me that the more of the upper Nations came here, the cheaper goods would be, & beg you to take care that we may have cheap pennyworths that those who are here of the several Nations may be fully satisfied (and I not be ashamed when we return home whch will encourage all the far Nations to come & trade here

At a Meeting of the Commissioners of the Indian Affairs in Albany May 31—1723

PRESENT—Peter Schuyler, Evert Banker, Henry Holland, Ph: Livingston, Peter Van Brugh, Johs Wendell, Johs. Bleeker

Answers made by the Comrs to ye Far Indians

Brethren

We return you thanks for the kind and friendly Propositions you made to us at your arrival, & yesterday we considered on what you said and it is very acceptable unto us to see such a number of you here, & do assure you that the news of your having been here will be very pleasing to His Excellency our Govr who uses all proper measures (in his power) to encourage you and all upper Nations to come & trade with the Inhabitants of this place for which purpose he has made a clean & open way for you thro' the six Nations and has now sent a number of men to lye at Cadaracqua Lake (whom you have seen) to invite you and all far Nations to come hither, and to assure you that you shall meet with kind treatment and friendly entertainment from us (and the people of this place) and as a token thereof here are two wooden houses built on purpose for your accommodation to lodge in, that you may go wherever you please to see where you can buy the cheapest pennyworths & not be compelled to trade with one or two private men who might exact and impose upon you so that the kind reception you meet with, and the little value you are to pay in exchange for goods, we doubt not but will be the cheifest Motives for you not to hearken to any disswasions of the French not to come here who oblige you to pay extravagant Prices for their Goods They have few or no Strowds and used of late to buy them here, but at the request of the Brethren of the six Nations (with whom we exhort you to keep a friendly correspondence) His Excellency our Governor has made a strict prohibition with a severe penalty on those that sell any such Goods to the French & that they have none now to supply you with

As you compare a deceitful heart to a Dark Skie so we hope you will with a clean & pure heart endeavour to the utmost of your power to come often hither to Trade and perswade all Nations in alliance with you to do the like, when you join in a body as you have now done, The French will not be able to stop & oppose you and as you are a free people & should not regard what they say with an intent to prevent your coming hither for all what they have hitherto told you & other upper Nations in disrespect of us you know has proved to be false and notorious lyes invented by them only that you may go to Canada & then to make you pay double & treble the price for goods, you can have them here for

Now we come to return you thanks for your kind Present of the Calumet Pipe of Peace & friendship (which we now take to be solemnly concluded) which we shall keep for you to smoke with, as often as any of your nation shall come here

We are pleased that those of the upper nations who have been here have done us the justice to inform you of the kind Reception they received from us and have no reason to doubt but you will be so honest as to give the same character to those who may enquire of you what treatment you receive from us

We do in a most solemn manner renew the Covenant Chain with you, that was made in your behalf by Owiestoenis, and yesterday confirmed, and as you in the behalf of the six several Nations you belong to, have engrafted yourselves as the seventh Nation to this Government, we now accept you as such, and promise on our side not to give the least occasion to make any Breach between us, and shall keep all secrets you shall reveal to us & the Covenant Chain inviolable forever which we do not doubt but will prove to our mutual satisfaction & advantage

We return Awiestonis thanks for performing the Message we sent him upon & are glad it hath taken effect by your coming here & hope before your return you shall be so well pleased with the market you meet for your Skins, that it will not only encourage you, but all the uppermost nations to come & carry on their Trade at this Place

As to the complaint you make about the Waggoners, we have taken care that none of them shall take or exact more from you for a Waggon Load than nine shillings, if you can tell us who has exacted more from you, he shall be punished for it

We desire you to be friendly and Peaceable and not to do any mischeif in your Marches to Peoples cattle &c wherefore we give you sufficient Provisions for your journey

2 Fatt Hoggs	In Goods
4½ Bush. Pease	12 Blankets of Strowds
4½ do Indian Corn	18 Shirts
90 Loafs Bread	26 Galls Rum

A True Copy ex^{d} & comprd
P^{r} Ph: Livingston Sec^{y} for
y^{e} Indian affairs

Lords of Trade to Governor Burnet.

[New-York Entries, K., 318.]

To W^{m} Burnet Esq: Gov^{r} of New York

Sir,

We have received your letters of 25 May, 17 June, 21 Nov: & 12 Dec^{r} 1722 and one without date, together with the publick acc^{ts} that accompany'd them and have seen your letter to our Sec^{y} of 8 of Dec^{r} last

According to your desire we recommended Abra: Van Horn and W^{m} Provost to supercede M^{r} Abra: De Peyster and John Johnston in his Maj^{tys} Council of New York and the said Abra: V: Horn & W^{m} Provost have been appointed Councillors accordingly

We thank you for having enquired into Lady Bellomont's claim and when you shall have received any further information on this subject, we shall be glad you will send it to us.

We are extreamly pleased with the success of your meeting with the 5 Indians Nations at Albany and we congratulate you upon having been so useful to the Neighbouring Provinces upon that occasion It is certain that nothing can make the British intrest in America more formidable to their Neighbours than a perfect Union among themselves, and we hope that the Gov^{rs} of all his Majesty's Plantations abroad upon all occasions endeavor to convince as well the Indians as their European Neighbours that they have but one King to obey and one common interest to pursue.

We are sorry the obstinacy of some of the Palatines has given you so much trouble but it is matter of satisfaction to us, that your endeavours for settling of them are likely at last to take effect.

The several Acts passed in New York and in the Jerseys which you have transmitted to us, lye now before M^{r} West for his opinion thereupon in point of law And when we have his report thereupon we shall take them into our consideration.

In your letter to us relating to the Government of the Jerseys You give us an account of an attempt to destroy y^{e} Sec$^{ry's}$ right which was prevented by you wherein We approve of your conduct it being agreable to your instructions on all just and reasonable occasions to grant your countenance and protection to persons holding their employments by Patents from the Crown.

We have recommended James Smith and James Alexander Esq^{rs} to succeed Mr Gordon and M^{r} Byerly in the Council of the Jerseys and his Majesty has been pleased to approve of them. So We bid you heartily farewell, and are

Your very loving friends &
humble Servants

WESTMORLAND
J. CHETWYND
T. PELHAM,
M. BLADEN

Whitehall
July 9. 1723

Governor Burnet to the Lords of Trade.

[New-York Papers, Cc., 129.]

New York 16 Sept^{r} 1723

My Lords

There was an Act passed in this Province in 1719 & transmitted by Brigadier Hunter for His Matys Royal approbation Intituled

An Act for running & ascertaining the Lines of Partition and Division betwixt this Colony and the Colony of Connecticut

Which Act was meerly to perform what had been agreed between the two Colonys in 1683 and confirmed by King Williams order in 1700 which Agreement & order had never taken its full effect, through the backwardness of the Colony of Connecticut who never could be brought to empower Commissioners sufficiently to run and ascertain the Lines according to that Agreement which were yet left unfinished

But since the aforesaid Act passed in this Province the Colony of Connecticut apprehending that their delaying and eluding to perform their part of the Agreement would turn to a reflection on them and that they could not hinder this Province from running the Lines of Division *ex parte* in case the before recited Act of this Province should obtain the Royall Assent, have pretended to take measures for running the s[d] Lines by Consent, but upon their overture made to this Province on that subject, it has appeared that they seemed indeed in words to consent, but in fact made no effectual step towards it, & instead of empowering Surveyors and Commissioners to run and ascertain these Lines, they went no further than to empower them *to perambulate* them as they express it, which trifling having been represented to them from hence, it has at last produced, the Act of that Colony passed in the month of May 1723 intituled

And Act for compleating and perfecting of the Line of Division between this His "Majestys "Colony of Connecticut and the Province of New York which was begun & in part fixed and "established in the year 1683 & 1684 the remaining part of which Line (Notwithstanding "many endeavours to have it run and Monuments therein erected in conjunction with the "said Province, have been since used, and Acts passed by the Assembly of this Colony and "by virtue thereof Commissioners sent to attend that service with such Commissioners as "should be appointed by the Government of that Province for the same service,) continuing "yet to be surveyed and fixed by monuments to be erected therein

In which Act they endeavour to throw the whole blame on this Province and yet in this very Act discover their true intention by contradicting flattly the Agreement and order before mentioned, & fixing the Line contrary to the same to the vast detriment and Injury of this Province

To make all which appear, The Council and Assembly of this Province have named a joint committee to report their opinion of the said Act of Connecticut which they have done and made report thereof to the Council Board, who have approved the said Report, by which it manifestly appears that the Act of the Colony of Connecticut is full of fallacies and misrepresentations, and does tend to defeat and elude their Agreement and King Williams order thereon and to the end that your Lordships may be satisfied thereof, I have herewith transmitted authentic Copys of the said report, original Agreement Order of King William and late act of the Colony of Connecticut with a map to explain them and the resolution of the council Board of this Province that the said should be laid before your Lordships in order that the whole matter may be set in a fair light before His Majesty and that thereby all obstructions intended by the Colony of Connecticut to prevent His Matys assent to the Act passed in this Province in 1719 may be effectually removed

I am with great respect
My Lords
Your Lordships
most dutiful & most
obliged humble Serv[t]
W Burnet

Governor Burnet to the Lords of Trade.

[New-York Papers, Cc., 131.]

New York 16 Dec. 1723

My Lords

I have the honor of your Lordships letter of the 9th of July last, and humbly thank your Lordships for the four new councellors two for New York and two for New Jersey which your Lordships recommended to His Majesty & whose appointment is come to my hands

I am now just returnd hither from holding an Assembly in New Jersey where I have obtained a fund of one thousand pounds per annum, for ten years, for an additional support of Government, besides about 6000 pounds more which will be due to the publick at the end of ten years and is to be applyed to the support of Government, when it comes in; it is true that by this Act there is more care taken for the time to come than the present, for the deficiencys of the present support of Government have obliged us to anticipate upon the four first years of the Tax of £1000 Per Annum

This provision for the support of Government arose from the violent Bent of the whole body of the People to have paper money which by my late Instruction can only be made in Acts for the support of Government Now as New Jersey has little or no foreign Trade, but only with the two neighbouring Colonies of New York and Pensylvania which have both paper money — The people of New Jersey can get nothing from these Provinces but the Paper Bills for their Produce and yet these are not a legal Tender in Taxes or Debts between man & man in Jersey and so they really had nothing to pay them in and were under a necessity of making Paper Bills of their own, which are indeed on the best foot of any in America and are all to be sunk in ten years time

As I cannot at present get the acts of New Jersey engrossed and printed soon enough to transmit to your Lordships, I will not trouble your Lordships with the particulars till the Spring I shall only add by way of instance of the success of such currency, that the Paper money of New York is now in as great value at New York as the coin of Great Britain is at London for an ounce of Spanish Peices of eight is worth but six pence more than a paper Bill of eight shillings which was struck from an ounce, and an ounce of Spanish silver in London is generally worth 3d or 4d sterling more than the Coin because of the benefit of exportation to the East Indies and by this paper currency which I humbly conceive is much securer than Bankers Bills in London they carry on business among themselves and send home all the Gold and Silver to Great Britain as it comes into them by trade which I apprehend to be an advantage which Great Britain would not have so much of if there was not paper money among us

I now proceed to give your Lordships an account of the Acts which I now transmitt and which were passed at the last meeting of the Assembly of New York

An act for raising and levying the quantity of five thousand three hundred and fifty ounces of plate for the uses therein mentioned, and for striking & making Bills of Credit for that value

This Act is alltogether for the publick charges of the Government the greatest part to supply a deficiency in the Revenue which arose by the arrears of fees due to the Auditor General amounting to two thousand two hundred and thirty two pounds, which I was commanded by his Majesty to allow out of the first moneys that should come in by the

Revenue for the support of this Government. The other part is for the promoting a Trade with the Far Nations of Indians which I have already acquainted your Lordships was far advanced, by my letter of the 25th of June last, and which is best encouraged by keeping up a constant company of Traders at the publick expence in the Sinnekes country, which is near the Lake Ontario, and where the Indians constantly coast along the south side whether the go to Canada or Albany & they that are at hand to invite them generally have them

2d An Act for continuing an Act entituled an Act appointing to let to farm the excise of strong Liquors in the Citys and countys in this Colony

3rdly An Act for paying the Charges and expences of the wooden houses or sheds built near the city of Albany for the accomodation of the Indians trading at Albany and for keeping them in good Repair

This is a conveniency for the Indians, that is newly made and is very useful to prevent their being cheated, as they often are, when traders get them privately into their houses and by the power of Liquor persuade them to part with their furs for little or nothing. But when the Indians come to themselves, they grow very angry at their usage, and this often makes them very unruly and frequently endangers their good understanding with us

To prevent this, these houses are built, where they trade publickly and so are more equally dealt with

4 An Act to determine and take of the Reward, allowed by former Acts for killing and destroying wild Cats and foxes

5th An Act to revive an Act entituled an Act for the encouraging Navigation

This is cheifly to prevent Sailors being credited beyond six shillings, as the next, which is a New Law, makes the same provision against crediting Souldiers for any larger sum

6thly An Act to prevent desertion from His Matys forces in the Province of New York

7 An Act for clearing and laying out Highways in the City & County of Albany

8thly An Act to revive an Act entituled an Act to authorize the Justice of the Peace to build & repair Goals and Courthouses in the several counties in this Province so far as it relates to Queens county

9th An Act to continue an Act of General assembly entituled an Act for better clearing and laying out Highways

10 & 11th Two private Acts of Naturalization

12th The Twelvth is another private Act to enable Thomas Dongan and Walter Dongan, two surviving Kinsmen of Thomas late Earl of Limerick to sell some part of their estate for payment of their debts and discharging some incumbrances wherewith the same is now charged

To which Act I insisted on a clause by which it is not in force till approved by His Majesty before I would give my consent to it

I have since received an Instruction from the Lords justices of the 23d of July last enjoyning the like precaution in all private Acts which I have entered in the Council Books of this Province and in New Jersey and communicated it to the Assembly of that Province who were sitting when I received it

I have lately had the number of the Inhabitants of this Province taken by Lists from the sheriffs of every County, which they have made up from the returns of the several Constables under them & tho there may be possibly some mistakes in it, yet I beleive it as correct as can be desired in an estimate, therefore I hope it will not be unacceptable to your Lordships

Enclosed are likewise the Naval Officers accounts of Vessells trading to and from the Port of New York from the 25th March last to the 29th September

And the Naval Officers accounts for the same time for East New Jersey

As likewise the printed Acts and minutes of the last Assembly of New York, with the minutes of Council from the 25th Septr 1722 to the 6 of July 1723

I herewith give your Lordships & account current relating to Lady Bellomonts concerns here the five Warrants therein accounted for were provided for by the last debt Bill in Brigadier Hunters time but the Assembly could not then be prevailed on to provide for some other warrants, which still remain unpaid and which I shall endeavour to obtain when there is a disposition in the Assembly to pay the Debts the Colony still owes to some persons but the restriction on making paper money on any other account than for support of Government is a great discouragement to obtain such a payment of arrears as my Lady Bellomont applies to your Lordships for, I am

My Lords your Ldps mo.
dutiful & obedient Servant
sgd W Burnet

P S—I have got two addresses from the Printer to send your Lordships, one in answer to my speech to the Assembly in New Jersey which is printed in the same sheet

An other to obtain a Cheif Justice on which being granted they doubled his Salary, and so he is to go the circuit which the late Cheif Justice Mr Jamieson was neither able to go for age nor could afford to do it for £100 Salary which was all they could be brought to allow a cheif Justice residing in New York

The present Cheif Justice Mr William Trent is universally beloved as your Lordships may observe by his being chosen their Speaker and I doubt not will answer my expectations in executing the office—

Census of the Province of New-York, Anno 1723.

[New-York Papers, Cc., 132.]

An Account of the Number of People In the Province of New York. A D: 1723

Name of the County	White					Negroes and other Slaves					Totall of Persons
	Men	Women	Male Children	Female Children	Totall of White Persons	Men	Women	Male Children	Female Children	Totall of Negroes and other Slaves	
New York.....	1460	1726	1352	1348	5886	408	476	220	258	1362	7248
Richmond	335	320	305	291	1251	101	63	49	42	255	1506
Kings.....	490	476	414	394	1774	171	123	83	67	444	2218
Queens	1568	1599	1530	1371	6068	393	294	228	208	1123	7191
Suffolk.....	1441	1348	1321	1156	5266	357	367	197	54	975	6241
West Chester ..	1050	951	1048	912	3961	155	118	92	83	448	4409
Orange	309	245	304	239	1097	45	29	42	31	147	1244
Dutchess	276	237	259	268	1040	22	14	2	5	43	1083
Ulster	642	453	563	699	2357	227	126	119	94	566	2923
Albany	1512	1408	1404	1369	5693	307	200	146	155	808	6501
Totall	9083	8763	8500	8047	34393	2186	1810	1178	997	6171	40564

Governor Burnet to Under Secretary Delafaye.

[New-York Papers (S. P. O.), No. 7, p. 29.]

New York 16. Decr 1723.

Sir

I am favoured with three letters from you of the 17th July, 3rd August, and 26 August last—the first concerning Tryals of Pyrates I shall observe, according to the Lords Justices Commands to transmit all proceedings to the Judge of the high Court of Admiralty, No such proceedings have yet happened in my Government they Pirates taken by our station ship having been tryed and condemned and executed in Rhode Island.

The second was to enclose an instruction from the Lords Justices about passing private Acts, which instruction is entered in the Council Books of New York and Jersey and will be carefully observed for the time to come.

The third letter was indeed a very kind and friendly one, and much more particular, than I could have expected from a Gentleman in so great and important business as yourself.—

I am very well satisfyed with the alteration of Mr Riggs for Mr Blood in the Lieutenancy and have writ to my Lord Carteret that it is perfectly to my liking—I believe your nephew will make a very good officer, and will take after his mother who is in my humble opinion, much fitter to command an army, or a family then the Coll:, and no disparagement to his capacity neither, for few of her sex have more sence and prudence than your sister—

Your account of home and foreign transactions has given me more information than all the heaps of News-papers that I have seen in print this twelvemonth, and as I am generally inclined to believe as I wish, your letter gives me very agreable views of the quiet and peace of Europe.

If you will allow an American to argue, about the business on your side the water, it seems to me that the Quadruple alliance is a knot, that any prince concerned in if he endeavours to loosen will by his pulling at it unavoidably tye himself the faster—

If the Emperour should disoblige our Court, so that Spain, should have thoughts of attempting something in Italy by sea on hopes our Court would be neutral, it is easy to guess, that the Imperial Court must not let it go so farr; If Spain had not our Court to obtain Parma and Tuscany for them, I believe it would not cost them a trifle to get possession and I think the Regent of course must be more entirely in the British interest as the Young King grows older.

There is nothing stirring of any moment here on the continent but the Indians war with Boston—There are two French Gentn lately come from Canada to Boston, some say to make peace between the Indians and English others say to threaten war if the English continue the war against the Indians, whom the French call theirs—What the French are in my opinion most uneasy at, is that our Five nations have declared war against these Indians, and will ferret them out if they don't soon make peace with Boston, which breaks the Jesuits policy quite, who endevour to keep fair with our Five nations as well as their own Indians, but cant effect it—These fathers, are the chief proprietors as I am informed of the soil of Canada, and are always instilling it into the Indians that adhere to the English, that they have been cheated out of their lands by the English of New England and Dutch who first possessed New York—The Five nations always were at war with the French, till King James's time,

but then, the Jesuits got the assistance of King James' Governour to obtain peace between these Indians and the French and since that time, they have been wavering and divided between the French and us; But now upon the war stirred up, first by the Jesuits among the Eastern Indians called Algonkins against Boston and Nova Scotia, and the war proclaimed by Boston against them, our Indians of the Five nations by my perswasions and the presents made them by the people of Boston are become party to the war against these Algonkins, and will by that means grow Enemies to the French as formerly, which will ruin great part of their Beaver trade and be the making of our trade into the heart of the continent—I wish I had anything better worth informing you of and shall [be] very proud of continuing a correspondence when your business will suffer you—I am with great esteem—Sir.

Your most obedient and humble servant

(signed). W Burnet.

P S: The enclosed will be carefully delivered by Mr Preveraun—if you please to send it him or any in L^{d} Cartrats Office

Governor Burnet to Lord Carteret.

[New-York Papers (S. P. O.), No. 7, p. 32.]

New York 16 Dec^{r} 1723

My Lord,

I have the honour of Your Lordships letter of the 20th August last by Capt^{n} Symes: I am extremely obliged Your Lordship for obtaining a confirmation of his commission, and a commission of Lieut^{nt} for M^{r} Edmund Blood, which tho' attended with a change with Lieut^{nt} Riggs, is equally to my satisfaction, as what I proposed.—

I have heard from my agent that Your Lord^{p} has likewise been favourably pleased to order a commission to be prepared for a Chaplain[1] as I desired.

The attention your Lord^{p} gives to my importunities in the middle of so much business of moment, makes me reckon myself very happy; I wish I had more frequent and important occassions to shew my readiness to obey your comands.

To compleat the last I received from your Lord^{p}, I have now enclosed an account of the number of the Inhabitants in this Province of New York, which the several Sheriffs have prepared for their respective Countys, according to the returns made to them by the Constables, which if not perfectly exact, I believe are very nearly so, and I hope answer the end of an estimate sufficiently—

I have likewise enclosed a map of this province, drawn by the surveyor Gen^{ll} Dr Colden, with great exactness from all the surveys that have been made formerly and of late in this province, which are in his hands, and from the French map of the lakes, corrected by some late informations in those places that lye near this province.

I transmitted an humble address to His Maj^{ty} from the Genr^{ll} Assembly of the Province of New York in June last, to Brigadeer Hunter, and beg'd the favour of Your Lord^{p} to introduce

[1] Rev. James Orem, *vice* Robert Jenny. *New-York Commissions*, III., 237, 253.—Ed.

him with it to His Majᵗʸ: but I find that it had the misfortune to arrive after the King was gone for Hanover—

I have now transmitted one from the province of New Jersey to the Brigadeer, and beg the same favour of Your Lordᵖ to introduce him to His Majᵗʸ that he may have the honour to present it in the name of that province: I have enclosed a copy of that address for your Lordᵖˢ perusal. as I did of the former.—

I have herewith sent the last printed acts for New York and a copy of my letter to the Lords of Trade, which contains an account of them and of my proceedings with the Assembly in New Jersey this winter, where they have provided for ten years to come for the supporting the Governᵗ in order to obtain paper money, which their necessitys made inevitable: If your Lordᵖ has the leisure to cast your eye on the beginning of that letter you will find the principal reasons of my assenting to that act, it being brought to me in such form as is consistent, with my late instruction on that subject—I cannot explain the whole matter so well as I shall in spring, when the act will be printed, to which I can then refer, and so I avoid giving your Lordship any other imperfect account of it at this time—

I am to send this pacquet and the Map, roll'd up by itself, by young Mʳ Pipon, whose father has been here these two years about his private affairs, during which time, I have had the favour of his company very frequently, and the pleasure of joining very heartily with him, in wishing Your Lordship all happyness and sucess imaginable from—My Lord Your Lordships Most dutiful most obliged and most obedient servant

(signed) W Burnet.

P. S. I have procured a speech of mine to the Assembly in New Jersey, and their answer to be printed of before I close my pacquet, that your Lordᵖ may see how I have recommended the payment of the arrears, due to the late Lieutᵗ Goverʳ Ingolsby and what answer the Assembly make upon that head, as also another address, to obtain of me a new chief Justice residing in New Jersey, whereupon the Assembly has doubled his sallary and accordingly I have appointed William Trent[1] chief Justice in the room of David Jamison who was indeed unable to go the Circuit through old age, as he constantly resided at New York, and as the Commission is only during pleasure, I hope your Lordᵖ will approve of my reasons for this alteration.—

[1] William Trent was a native of the town of Inverness, Scotland, whence he emigrated at an early day to Philadelphia, where he became an extensive and successful merchant. In 1714 he purchased Mahlon Stacey's plantation of eight hundred acres, lying on both sides of the Assanpink, N. J. To this place he removed some years afterwards, and in 1721 was chosen a representative to the Assembly from the county of Burlington. In 1723 he was elected Speaker of the House, and next appointed Chief Justice of the Supreme Court, having been previously, for many years, a Judge of the Supreme Court of Pennsylvania, and Speaker of the Assembly of that Province. He took his seat on the Bench at Burlington in March, 1724, but did not long survive his appointment. He died suddenly, from an attack of apoplexy, on Christmas day, 1724, universally beloved and lamented. Some years before his death, a town was laid out on his estate, which, in his honor, was called "Trent's Town." It is now Trenton, and the capital of the State of New Jersey. *Field's Provincial Courts of New Jersey*, 105, 106.—Ed.

Order in Council repealing the New-York Act laying Duties on European Goods.

[New-York Papers, Cc., 125.]

At the Court at St James's the 30th day of April 1724

PRESENT—THE KINGS MOST EXCELLt MAJESTY in Councill

Upon Reading this day at the Board, a Report from the Right Hônble the Lords of the Committee of the Privy Councill dated the 24th of this Instant in the words following viz

"Your Majesty having been pleased by your Order in Councill of the 14th of June & 19th of "July 1722, to referr unto this Committee a Representation from the Lords commissioners "of Trade & Plantations for your Majestys confirmation of an Act passed in the Province of "New York in Dec 1720 Intituled an Act to lay a duty of £2 on every £100 value Prime Cost "of all European Goods imported into this Colony—And allso to referr a Petition of several "Merchants of London in behalf of themselves and other merchants Trading to New York "praying to be heard against His Mâtys confirmation of the said Act, in regard it will affect "and prejudice the Trade of this nation—Their Lordships this day in pursuance to your "Majestys said Orders took the whole matter into consideration and heard counsell as well "for the Merchants against the said act as in support thereof And do agree humbly to offer "their opinion that the said Act is not fitt for your Majestys Royall approbation And to "prevent the passing Acts of the like kind for the future either in the said Government of "New York or in any other of your Majestys Goverms of America Their Lordships do further "humbly offer it as their opinion that a General Instruction should be prepared & sent to your "Majestys Governors there enjoyning them not to give their assent on any pretence whatsoever "to any Act laying a Duty on European Goods imported in English Vessels upon the "importation thereof

His Majesty in councill taking the said Report into consideration was pleased to approve thereof And to repeale the said Act and His Majesty is hereby pleased to order that General Instructions be sent to the respective Governors of all his Plantations in America enjoyning them not to give their Assent on any pretence whatever to any Act laying a Duty on European Goods imported in English Vessells upon the importation thereof And the Lords Commissioners for Trade and Plantations are to prepare such Instructions and present the same to this Board for His Matys Royall Approbation

JAS VERNON

Lords of Trade to Governor Burnet.

[New-York Entries, K., 340.]

To Wm Burnet Esq:

Sir,

Since our letter to you of the 9 of July 1723, We have received yours of the 29 May, 25 June, 16 Septr & 16 Decr last, and thank you for the several accounts you have therein sent us

We approve of the consent you and the Council gave to the proposals of the Government of New England to treat with the five Nations of Indians at Albany which we hope may prove effectual for their Service and as you seem truly sensible of the great utility these five Nations are to the British interest in America, So we do not doubt but you will continue to pursue the proper methods to prevent their being seduced from their dependence on the Crown of Great Britain

As to the Act for laying a duty of 2 p^{r} Cent prime cost on the importation of European goods, his Majesty has thought fit to repeal the same And you will shortly receive an additional instruction not to pass Acts upon any pretence whatsoever for laying a duty upon importation of European goods: for which reason we hope you will find some other fund for building the fort intended by the said Act

We are glad to find that so good effects have arisen from the Act passed by you for the encouragement of the Indian Trade and particularly to hear that the strength of the five Indian Nations is increased by the Accession of sev^{l} of the far Indians to their body And altho we have had some complaints made to us by the merchants trading to New York, against this Act; Yet it carries so great an appearance of advantage with it, you may depend upon it we shall duly consider their objections before we discourage so fair a begining

We have considered the Act passed at New York in 1719, for rûning a division line between that Province & Connecticut and have reported the same as fit for his Majesty's Royal approbation and his Majesty has been graciously pleased to confirm the same, We hope this Act will have its desired effect.

We cannot give our opinion of the Act passed at New York, for raising and levying the Quantity 5350 ounces of plate for the uses therein mentioned and for striking and making bills of Credit for that value, till we shall have received the same in an authentick manner And our Sècry did some time since acquaint you by our order, that printed Acts without the Seal of the Province and proper Certificates annexed to them are not agreeable to your 1 g^{l} Inst^{n} however we must acquaint you that bills for encreasing of paper Credit will meet with no encouragement hence. So we bid you heartily farewell and are

Your very loving friends
and humble Servants
T. Pelham
Edw^{d} Ashe
M. Bladen
R. Plûmer

Whitehall
June 17. 1724.

Representation of the Lords of Trade to the King.

[New-York Entries, K., 346.]

To the King's most Excell^{t} Majesty.

May it please your Majesty

In obedience to your Majesty's Comands signified to us by your order in Council, of the 30 of April last, referring to us the petition of several merchants of London trading to New

York setting forth the great discouragements that have been brought upon the British trade by an Act passed in New York the 19 of Nov: 1720, entituled an Act for the encouragement of the Indian Trade, and rendering of it more beneficial to the inhabitants of this Province and for prohibiting the selling of Indian goods to the French, And that as the said Act is now expired, the said Merchants are inform'd the Government of New York, either have or are about passing an Act to revive and continue the same, and therefore pray that a stop may be put thereto We humbly take leave to represent to your Majesty.

That we have been attended by the Petitioners who inform'd us that they have found this Act by experience to be so great a discouragement to the British Trade that there as not been by far so considerable a quan[ti]ty of Bevor and other furs imported into Great Britain from New York since the passing the said Act as heretofore nor half the quantity of European goods exported thither in consequence whereof the price of furrs is raised 25 & 30 p^{r} Cent, to the great prejudice of several British manufactures

They likewise affirm'd that it was impracticable to hinder the French from supplying the Indians with European goods for tho New York should not furnish them the French would find another way to be supplyed therewith either from some other of his Majesty's plantations or it might be directly from Europe that it was of dangerous consequence to force this Trade into a new channel many of the goods which the Indians want being as easy to be had directly from France or Holland as from Great Britain

They further added that it was not likely the Act in question should produce the effects expected from it, more particularly that of securing the five Indians Nations firmly to the British interest; because if the French should once get a supply of the goods necessary for the Indian trade from any other place As the five Indian Nations are settled upon the banks of the river S^{t} Lawrence directly opposite to Quebeck two or three hundred leagues distance from the nearest British Settlement in New York the vicinity of the French would furnish them with the means of supplying even the 5 Nations with these goods, and consequently of alienating their affections from the British interest

And that there was no prospect of obtaining a trade with the French Indians by this means, because the French would always be able to prevent their passage cross the Lakes & River of S^{t} Lawrence to our settlements.

These were the most material objections made by the merchants against the bill

On the other hand the preamble to the Act sets forth, that it was found by experience that the French of Canada by means of Indian goods bought from that Province had not only almost wholly engrossed the Indian Trade but had in great measure withdrawn the affections of the 5 Nations of Indians from the inhabitants of that Province and rendered them wavering in their allegiance to your Majesty and would if such Trade were not prevented altogether alienate the minds of the said Indians which would prove of dangerous consequence to the English interest in America

And M^{r} Burnet your Majesty's Governor of New York informs us, that since the passing of this Act several of the far Indians had come to Albany to trade, that some of them came above 1000 miles, & are now incorporated with the five Nations: that he had likewise intelligence of more far Indians that design'd to come to Albany which he conceives to have been a good effect proceeding from this Act, and he likewise adds that he did not doubt but the cheapness of goods in Albany would induce the Indians to trade there rather than with the French at Montreal and that the traders of Albany began to be sensible of their error in sharing a trade with the French which they now perceive they can keep wholly to themselves.

Upon the whole being doubtful of some of the facts alledged by the merchants and considering how far the British trade may be affected by this Act on the one hand and how much the security & interest of your Majesty's Colonies in America may be concerned on the other We are humbly of opinion that no directions should be sent to New York upon the subject matter of this Act till M^r^ Burnet shall have been acquainted with the objections of the merchants thereto and his answers and observations received thereupon; for which end if your Majesty shall be graciously pleas'd to approve of this our proposal, we shall forthwith send him copies both of the Merchants memorial and of what objections they have made before us to the subject matter of this bill.

Which is most humbly submitted

J. Chetwynd
T. Pelham
E. Ashe
M. Bladen
R. Plûmer

Whitehall
July 14. 1724.

Governor Burnet to the Lords of Trade.

[New-York Papers, Cc., 138.]

New York 9^th^ August 1724

My Lords

I have just finished with the Assembly in this place, who have passed several Acts which shall be engrossed & printed ready to send to your Lordships this fall, with particular observations concerning them

I have lately found the great advantage of the Acts to prohibit the Indians goods to be carryed to the French of Canada; by the great numbers of Farr Indians that are come to trade either at Albany, or in the way to it, within the bounds of the five Nations, whither our Traders go to supply them — The last account I had from thence is from the Lake Cadaracqui, as our Indians call it, but in the French Maps called Ontario, or Frontenac by an Indian just arrived from thence who brings word that he came down in company with five Canoes, who design to come to Albany

That in Cadracqui Lake they met with Monsieur Tonti, Commander of Le Detroit, as it is called in the French Map but by our Indians called Tughsaghrondie — that Monsieur Tonti had with him 70 Men and asked those Indians where they were going the replyed to Albany on that reply Tondi told them he was sent by the Governor of Canada, to stop that path & proposed to them that they should go to Canada, and gave them in Presents a Belt of Wampum a cag of Brandy and some Tobacco, That after a long debate one of their Sachims stood up and said that the country they lived in belonged to them & that they were masters of what they had hunted in the woods, and would go with it where they pleased and were resolved to keep the path open or fight their way through — This answer nettled the French Commander but he thought fit to leave them & retire with his men to Canada and these Indians are all expected in a few days at Albany

The same thing happen[d] last year and ended almost in the same manner, by which it is plain, that the great body of Indians in the Continent assert their Independency & will go and trade with those that can supply them cheapest which will always be at Albany and in the Country of the five Nations if they preserve our goods to sell them there by Retail, and don't dispose of them to the French by wholesale

I can likewise inform your Lordships that in a late Treaty at Albany, managed by Deputys from Boston, with the Assistance of Commission[rs], appointed by me, with the five Nations and some Indians living at Canada Those Indians at Canada solemnly promis[d] not to make war any longer on Boston and our five Nations undertook to send Deputys to the Eastern Indians, who are now at war with Boston and to perswade them to come to a peace, and in case they will not make one to threaten them peremtorily, that they the said five Nations will compel them to it by force of arms which resolution I hope will be faithfully executed & then very likely bring on a peace which is very much wanted by Boston who now lose numbers of men continually and are at an immense expence and all this War is certainly fomented & supported by the French of Canada and by engrossing the Trade with these Indians manage them as they please to the ruin of the English. I am soon to meet the Indians at Albany after which I will be able to give your Lordships much fuller account of these affairs

I have been informed that the two p[r] Cent Act has not passed the Council which will I hope induce the Assembly to provide for the same services an other way which they never would do till they knew certainly the Fate of the 2 P[r] Ct Act I remain with grat Respect

My Lords

Your Lordships most
obedient & most obliged
humble Servant
S[gd] W Burnet

Governor Burnet to the Duke of Newcastle.

[New-York Papers (S. P. O.), No. 77, p. 67.]

New York 9[th] August 1724.

My Lord.

I have the honour of Your Graces letter of the 2[nd] of April, notifying His Majesty's delivery of the seals, and directing me to address my advices from time to time to your Grace, which I shall very carefully observe.

I had indeed already upon the first certain news of Your Graces acceptance of the office, taken the liberty to congratulate your grace upon it, and to express the happiness I promised myself in receiving orders from a person for whom I have so much respect, and whose family had always shewn so much friendship to my father.

I have likewise received another letter from your grace, of the 13[th] of May by the hands of M[r] Couturier a French Gent: to direct me to cause two Indians to be delivered to him, who were taken from him by Governour Nicholson—These Indians were never brought hither, but the person who received them from Gov[r] Nicholson, being one Vincent, an inhabitant here;

I have shewn him His Majᵗʸ commands and will serve him with a copy of Your Graces letter atested by the seal of this province, to be produced to Govʳ Nicholson; that he may have a bond delivered to him, which he was obliged to enter into in Carolina, of a thousand pounds to His Majesty, on condition that if he carried these Indians to any French settlement, or deliver them to any Frenchman, then the bond to be forfeited. This Vincent has likewise undertaken to me, to go to the Leeward Islands, where he left these Indians, in the custody of his correspondent, and to deliver them to Mʳ Couturier; By which I hope Your Grace will be perswaded that I have done all in my power to execute His Majᵗʸˢ commands given me by your Grace.

I cannot avoid upon this occasion observing, that tho' I believe injustice and hardships have been done to this Gentleman, yet it cannot be compared to the many ill practices of the French of Canada, who spare no pains to excite the Indians against the English every where, and who are now the entire managers of the Indians now at war with Boston.

I have taken the most effectual way I could think of, to prevent the like mischiefs from the Indians near this province, by inviting them to a free trade at Albany in this province, and by getting a law passed to prevent trade with the French, for such goods as are proper to be sold to the Indians, by which means great numbers of them who used to go to Canada come now to trade here, and threby grow familiar with us, and unwilling to break with us on any account.

I have found the good effects it has already had, in pursuance of my instructions N° 4 & N° 5. to prevent all such dangerous trade and correspondence with the French of Canada, and have given fresh instances of it in my letter of this day to the Lords of Trade of which I have enclosed a duplicate to your Grace, being unwilling to make this letter too long an interruption to your more important affairs—

I am with great respect
My Lord
Your Graces
Most dutiful and most obedient
humble servant
(Signed) W Burnet.

Governor Burnet to the Lords of Trade.

[New-York Papers, Cc., 139.]

New York 7ᵗʰ Novʳ 1724

My Lords

I have the honor of your Lordships letter of the 17ᵗʰ of June last, and am very glad any accounts I have sent have proved acceptable

And particularly that your Lordships approve my endeavours to assist the Government of Boston with the Six Nations of Indians—I have not been able to effect any thing material that way except some messages from the six Nations to the Eastern Indians to persuade them to desist, which the Eastern have answered evasively; and their Answers have furnished an excuse to the Six Nations for their declining to go to war with them

But the true cause of their backwardness is the Interest the French & their friends among us are secretly cultivating with the Six Nations and the fear they are in that if the Six Nations go to war the road between Albany and Canada may prove dangerous and so their Trade quite interrupted which now they carry on clandestinely even for Indian goods notwithstanding all our Acts against it

All this will appear clearly to your Lordships by the enclosed Minutes of my conferences with the six Nations and of those of the Deputys of Boston with them.

From the same Minutes your Lordships will observe the Progress that is made in carrying on the Trade with the Far Nations to which end I have got leave of our Indians to build a trading House in the most convenient place for that Trade at the mouth of the Onnondage River on the side of the Lake Cadaracqui or Ontario tho' the Indians were tampered with to make objections to it yet as I detected those practices they went away fully resolved to do as I desired them

I am much obliged to your Lordships for your kind & generous protection against the groundless insinuations of the Merchants of which I have still a fresher instance in your Lordships Report to His Majesty, on their Petition, which I have received with the Petition in a letter from M^{r} Popple,[1] since I had the honor of your Lordships Letter—I have laid them before the Council here to report their observations on them, as a part of the Legislature, and they have vindicated themselves as well as me in a manner that I doubt not will be fully satisfactory to your Lordships & will expose the Merchants as they deserve which report I now enclose to your Lordships with a Mapp

A meer inspection of this Mapp is indeed sufficient to confute them for our Indians are there visibly adjoining close to us in a continued Chain no french of French Indians at all between us, but really we and our Indians are in the direct way between the Farr Indians and the French, which is so surprizinly the reverse of all which they alledge, that I hope your Lordships will not think it amiss, that the Council & I have resolved to print the Petition the extract of their Allegations, Your Lordships Report and the observations of the Committee of Council here, upon them with the Map to make the whole as clear as possible

I thought printing these Papers was the best way to consider our selves only as partys and to make the publick here judges, since truth and reason are so evidently on our side and against the Petitioners and this I apprehend will be of great use to prevent any attention to Persons who have risked their own credit and attacked our character in so indiscreet & so indecent a manner

I had in August last ordered my Agent to present a memorial to your Lordships in case there was such a Petition of the Merchants as was then reported here, but without certainty and I then furnished him with several reasons for these Acts which in case they should not yet have been presented to your Ldps I have enclosed tho the substance of them is contained in the Committees Report

I am very much concerned at the last clause in your Lordships letter tho not conscious to myself having ever failed in that particular, whereby it appears that the authentick Acts in due form with the Seal of the Province and the usual certificates in parchment, did not come to your Lordships hands Thomas Fitch Master of the Samuel who carried them is not yet returned but I have enclosed the affidavit of the Deputy Secretary who prepared the Acts, with two of my domesticks who made up the Packet and saw them put in it nor do I conceive how the

[1] For Mr. Popple's Letter, see *New-York Council Minutes*, XIV.—Ed.

Printed Acts & my letter of the 16 Dec^{r} could reach your Lordships hands without the engrossed Acts since they were all in one parcel directed to M^{r} Popple, and it being the last ship in the year; I beleive I neither did nor could send Duplicates, as I generally do I am hopeful that upon an enquiry it will be found, that these Acts have been mislaid by some of the Clerks in M^{r} Popples office But since they may perhaps not be found, I shall by the next ship transmit to your Lordships an other set of them in the same authentick form

I shall likewise with some of the ships this fall transmitt to your Ldps the authentick Acts for the present year of the Assembly which broke up in july last with my observations thereon

I have herewith enclosed to M^{r} Popple the Naval officers accounts from the 25th of March last to the 29th Sept^{r} last

I desire your Lordships will please to recommend M^{r} Philip Livingston to be a member of the Council of New York in the room of Gerardus Beekman lately deceased, the Gentleman I now recommend is Secretary for Indian Affairs and a very deserving person—I am with the greatest Respect

My Lords

Your Ldps most obedient &
mo obliged humble Servant
sg^{d} W Burnet

Conference between Governor Burnet and the Indians.

[New-York Papers, Cc., 140, 141]

At a Private Conference, by His Excell^{cy} William Burnet Esq^{re} Capt^{n} Gen^{ll} & Gov^{r} in Cheif of the Provinces of New York New Jersey &c. with the Sachims of the Six Nations called Maquase, Oneides Onnondages, Cayouges, Tusquarores & Sinnekes—In Albany the 14 day of September 1724

Present—His Excellency William Burnet Esq^{re} Capt^{n} Gen^{ll} & Gov^{r} in Cheif of the Province of N York
Francis Harrison Esq^{re} one of His Matys Councill for the Province of New York
John Stoddard Esq^{re} one of His Maty^{s} Council for the Province of Massachusetts Bay

His Excellency desired y^{e} Sachims to give him an account of the Message the Messengers delivered to the Indians at St François in relation to the War with our Brethren of the Massachusetts Bay and the Eastern Indians, they replyed,

Brother

You desire two things from us, first, to give you an account what message we sent to the Eastern Indians as also their answer

When we arrived a[t] Montreal we acquainted the Governor of our arrival, on which he said he would hear what we had to say next morning, and then we told him that we were

sent by the 6 Nations and Corlaer, and that our business was to go to St François, to speak with those Indians on which we gave him a Belt of Wampum

On the morning the Gov^{r} sent for us and gave us thanks and said that he was glad that we had acquainted him with our arrival & Business, since his Indians ranged the woods & might have met us & done us mischeif and endangered our Lives: But let us consider what is best for you in this matter, whether it be not advisable that I do send for those Indians and then I can hear your proposal & their Answer

On which we answered Father, we think it is best that you send for those Indians to come here for they can't understand us nor we them and here we may be supplyed with an Interpreter

The Governor Answered & returned us thanks that we had consented he should send for those Indians as he had proposed, on which he sent an Express and they were to be in Montreal in four days, Mean while we went to Cachnawage & designed to return the fourth day but on the third day at night a Preist who was Interpreter between us & the Indians awaked us & said that the Indians were come which we thought something extraordinary, the Preist went that night but we the next morning, when come at Montreal, we went directly to the Governor who said we should tarry a while to deliver of Message,[1] and he would send for us which was done in the afternoon

Then we told them we were sent by the Six Nations & Corlaer and desired the Indians that there might be a cessation of Arms [for a while] as we had also desired of our brethren of New England

Then we said, Children, we are come on purpose for you to come to Albany, which is the Place to treat of Peace and matters of consequence This proposition was not only made in Presence of the French but of the Indians thereabouts, Gave a Belt.

We have proposed that your Principal Sachims should go to Albany We have not limited a time but desire that they may come along with us

The Indians Answered

Fathers: you told us that you were sent by the Six Nations and the Governor of New York, that there might be a cessation of Hostilities, which we cannot grant, for we are so inveterate against those people of N England because they have taken away our Land and kept our People Prisoners, but let them restore our Land and releive our People and we will immediately lay down the Hatchett and be at Peace, Gave us a Belt of Wampum

Fathers: you say you were sent from the Gov^{r} of New York and the Six Nations, do desire[2] our Sachims to go with you to Albany to treat of Peace with the People of Boston, We can not consent to send Messengers to them, they having so often deceived us, & kept our People Prisoners whom we sent as Messengers

Fathers: You desire in the name of the Governor of New York and the 6 Nations we should go to Albany to treat with the Governm^{t} of Boston We flattly deny it, but if they are desirous for a Peace, they may come to Montreal and bring our three men along and treat with us in the presence of the Governor of Canada and restore our Lands So will conclude a Peace; We need not go to our Castle, for the Principal Sachims of our Nation are now here, and this is our final answer, On which they gave a Belt.

His Excellency asked the Messengers whether they did not promise the Boston Com^{rs} (that if the Eastern Indians did not comply with their message) to take up the Hatchett which lay

[1] *our* Message. *New-York Council Minutes*, XIV., 355. — Ed. [2] *to* desire. *Ibid.*

at their side—They reply'd that they did not but if those Indians should murder their Messengers they would make use of the Hatchet which lay at their side

On which the Speech that the Six Nations made to the Boston Com^rs on the third of July last was repeated unto them

His Excellency asked them whether they never promised him or the Com^rs here or those from Boston, to take up the Hatchet against the Eastern Indians in Case they should persist in War with our Brethren of New England, or whether they ever intended to engage in that war against those Indians

They answered they knew not of any promise or Engagement, only that they promised His Excellency to be mediators for Peace.

Propositions made by His Excellcy William Burnet Esq^re Capt^n Gen^ll & Gov^r in Cheif of the Provinces of New York, New Jersey &c to the Sachims of the Six Nations called Maquase, Oneides, Onnondages, Cayouges Tusquaroras, & Sinnekes in Albany the 15^th Sept^r 1724

PRESENT—His Excell^cy William Burnet Esq^re Capt^n Gen^ll & Governor in Cheif of the Province of New York &c
Francis Harrison Esq^re of His Matys Council for the Province of New York

Commissioners of Indian Affairs

Henry Holland	Philip Livingston
Peter Van Brugh	Joh^s Wendell
John Collins	Evert Wendel
John Cuyler	Hend^k V: Renselaer
Evert Banker	David van Dyck

Brethren

I am come hither to see you with the same brotherly kindness which you have always found in me and I doubt not that you bring with you hearts full of the same honest inclinations as becomes brethren

But you must always remember that I do not speak to you from myself only but in the name of my great & good master KING GEORGE, and your only true and loving father who has after[1] fed you and cloathed you and is always making you kind Presents, and who has ordered me to take all the care of you and do you all the service which is in my Power, and who expects of you returns of obedience, as becomes good children, and that you will shew it in being firm to the British Interest in America, in opposition to all its ennemys whether Christians or Indians, and in token of this ancient and happy covenant I now solemnly renew the Covenant Chain with you in behalf of this Province, and all His Maty's other Provinces in North America and I hope the chain will now remain bright & clear and lasting as the Sun, *Give a Belt* [with GR.]

You have made the Path open for the far Indians to come to trade with our People, among you, and to come through to Albany, if they please, by which means goods are now become plenty amongst you, and our People see you often as good Brethren ought to do, and that this

[1] often. *New-York Council Minutes*, 357. — ED.

happy correspondence may become still easier I have mended the carrying place and the wood Creek, so as to make the road much shorter than it was, and it shall be made still better

I have for some time kept some young men always among the Sinnekes, with a smith, which I doubt not was very agreeable to them and I hear they have a House near their castle where they may live conveniently

And now I find many more are willing to go next spring to live among the Onnondages where the cheif Trade with the Far Indians lyes and that they may keep their goods dry & safe—I have ordered them to build for themselves a good Block House at the mouth of the Onnondages River and so they will become your good Neighbours and live as comfortably among you as they do here at home I intend to send a smith along with them for your conveniency, and I doubt not but you will be very glad to see one another, and to bring the great Beaver Trade into your own country, where it will be for your advantage that it should come, rather than to Canada, where you can not buy goods without paying excessive prices for them whereas our People sell at very reasonable Rates and to shew you how much I desire your Beaver should bear a good Price I have cloathed myself in Cloth made of Beaver which you now see me wear.

What I therefore desire and expect of you is that you continue to keep the Path swept and clean for all farr Indians to come and trade with our People & that you use our people kindly, that are to live in the Sinnekes country with you this year, and those that are to come and trade and build a house next spring among the Onnondages *Gave a Belt* [**GPW.**]

Brethren

You promised me two years ago that you would send Messengers to the Eastern Indians to command them to make Peace with the Government of Boston and to tell them that you could not look on unconcerned when your Brethren of New England received such barbarous Treatment

I am informed that since you have renewed the like promise to the Government of Boston, to the Com^{rs} here and to their Deputies sent hither from the Government of Boston—I expect of you that you will seriously consider what you have promised and faithfully perform it for the great Bond of Union between us is to keep our word to one another, without this there can be no true friendship or brotherhood between us

I do not enter into Particulars because the Deputies from Boston Government now in this place, desire to speak with you, themselves & I recommend it to you earnestly to hear them with attention & kindness & to give them such an answer as they may expect from good Brethren after so many promises made by you to them and so many presents by them to you *Give a Belt* [**PF.**]

Answer made by the Six Nations viz the Maquase, Oneides Onnondages, Cayouges, Tusquaroras & Sinnekes to His Excell^{cy} W^{m} Burnet Esq^{re} Capt^{n} Gen^{ll} & Gov^{r} in Cheif of the Provinces of N York N Jersey &c. the 17th Sept^{r} 1724

PRESENT—His Exc^{lcy} W Burnet Esq^{re} Capt^{n} Gen^{l} & Gov^{r} in Cheif of y^{e} Province of N York

Commissioners

Henry Holland	John Collins
Peter Van Brugh	Ph: Livingston

Brother Corlaer

We have some preface to make before we come to give our answer to the Propositions, made us two days ago

This Town of Albany has been of old a place of meeting & Treaty between us, and since that time it has been agreed that this should be the only place of Treaty not only between this Government & us, but with all our neighbouring colonies of North America, to be a fixed and settled place to treat of Peace and Tranquility, and those who have any occasion to treat with us may come and meet us here

Brother Corlaer

You told us that you was glad to meet the six Nations in good health, and that you came to treat us with a good and brotherly heart, & that you did not doubt but we came with the same as becomes Brethren, we now come to acquaint you that we are come with a good true & honest heart and you likewise said, that you did not speak from yourself only but in the name of your good & great Master King George, our kind and loving father who has so often cloathed and fed us & given us so many Presents, and that you renewed the ancient Covn^{t} Chain which we renew likewise in the most solemn manner, with all His Matys Provinces in North America, by this Belt: We can not omit to inform you that there are some wicked Devilish People who come among us, but we will not hearken to them, for your Excell^{cys} kind & candid Proposition has in a manner brought us out of Darkness into the Light & rejoiced our hearts extreemely

Brother Corlaer

We say still that we are come out of Darkness into Light, Your kindness to us exceeds that of your Predecessors, for you have been at the expence to mend & clear the carrying place & Wood Creek, and that you will order it further to be mended, for which we return our hearty thanks for now the old & decrepit may come over the carrying place whereas formerly it us[1] difficult to pass that way but now it will induce & encourage the Far Indians to come to trade here which will engage them to be firmly united to us—It is most certain that Trade is the cheifest motive to promote Friendship, therefore we repeat again that we return you our hearty thanks for this singular favor & kindness.

Brother Corlaer

You told us also that you designed to build a Block House near Onnondage or at some convenient place on that River, We have consulted and do consent that you may build it since you say it will be for our advantage, but we desire that we may know how goods will

[1] was. *New-York Council Minutes*, XIV., 361.—ED.

be sold there, for here we get a Strowd Blanket for one Large & a Small Beaver, but those who go there to trade will perhaps take excessive prices from us, but if they sell as cheap as here it will be like a Beaver Trap & [will] get them all but if they sell dear it will be of no use for then we must come hither to buy what we want We are very thankfull for the Smith your Excᵉʸ has been pleased to promise to send up to Onnondage next Spring, pray let him be a good one who understands his Trade and can make Hatchet and repair our Guns We have two several times desired to have one but could not obtain our request till now.

Brother Corlaer

You told us that the place you proposed to build a Blockhouse was at the mouth of Onnondage River where it falls into the Cadacqui Lake but we propose another place at the end of the Oneide Lake & desire your opinion on that head, and that a fit person may come along with the People who can speak our Language who may be a proper judge of the most convenient place, gave a Belt of Wampum

Brother Corlaer

You acquainted us that some People were to go to the Sinnekes Country with a Smith for which we return thanks and since you desired that they may be civilly & kindly used which we promise to do you told us that we said formerly that we could not see the Eastern Indians so barbarously murder our brethren of New England without resenting it according to our former engagement & promise to this Government & that of Boston wᶜʰ we acknowledge to have said that we would resent it, and according to your Excellencys Directions we shall give those Commissioners from Boston now here an answer to that affair

The Sinnekes said

Brother Corlaer

It is two years ago since Major Abraham Schuyler was in yᵉ Sinnekes Country with yᵉ Smith Myndert Wemp & we sent a token with them, that we desired they might come again next year We desire to know where yᵉ fault lyes that they did not come for the Smith is very good, kind & charitable to our poor people & we desire that they may now go along with us

His Excellency told them that he would give them an answer when he delivered them their Presents and ordered them a barrel of Beer.

Further Propositions made by His Excellency Wᵐ Burnet Esqʳᵉ Captⁿ General & Govʳ in Cheif of the Provinces of New York New Jersey &c At Albany the 19ᵗʰ day of Septʳ 1724

PRESENT—His Excellᶜʸ Wᵐ Burnet Esqʳᵉ Captⁿ Genˡ & Govʳ in cheif of the Province of New York &c

Francis Harrison Esqʳᵉ one of His Matys Council for yᵉ said Province

Commissioners

Henry Holland	Philip Livingston
Peter Van Brugh	John Collins

Brethren

I have a few words more to say to you about what you proposed to me in [your] Answer But I will begin with a Preface as you do which is that I always like to hear your answers

* Traders for Indian Goods so called at Albany

that come from yourselves but I do not like the answer which the * *Handlers* here put into your mouths for they neither love you nor me but mind only their own Profit, and therefore I expect that for the future you will make all your answers yourselves and never advise with any of these Handlers what you should say for I can always find out what is your own & what comes from them

As to the Blockhouse it must be at the Onnondages Rivers Mouth and not at the Oneides Lake for the far Indians pass only by the mouth of the River and do not come up to the Oneides Lake So that the Beaver Trap would then be so far off that it would catch no Beavers at all and this is a thing the Handlers put into your heads, on purpose that the Beavers may all go to Canada, where they would rather trade with the French than with you, by which you may see they are not your friends

An other false Story they have put into your heads is that Goods should be as cheap at the Onnondages country as here which they know can not be, for then there would be no allowance made for the trouble of Carrying them which however I will order them to make as small as they can afford it

This is a conveniency for those that are not able to walk hither, but if any will rather come to Albany it is reasonable that they should have goods cheaper because, of their long journey to fetch them, than when they can buy them at their own doors

As to what the Sinnekes proposed about Abraham Schuyler I know that it is put into their heads the same way with the rest: But I do not approve that my officers should apply to the six Nations to appoint them that is making you their Masters, and not me so that I can not trust them after they take such measures, and therefore I will not employ Abraham Schuyler any more because he has taken a wrong way to get himself named, And I have appointed Harme Vedder Captain already, and a Smith that is brother to Myndert Wemp

I am always ready to shew you what kindness I can, but I will not suffer my people that are under my Government to put Notions into your heads contrary to my desires for your Good, & if I knew them I would punish them for their Presumption in doing it so that I must expect of you as a Proof of your thankfullness to me that you will be advised in these things by none but me & these officers whom I think fit to appoint & then we shall always remain good Brethren

Brethren

I find by your answer to the Boston Gentlemen that you do not now deny your promises but only you say you wait for the King of Great Britain's orders in answer to your Belt, Now this is not a just Pretence for the King has given his Governors here power to make war with Indians without first acquainting him and you can not beleive he can be pleased that you suffer the Eastern Indians to continue their mischeifs to New England under pretence of waiting for his orders to make war because he is often abroad out of England and so can not give an answer to you soon enough and in the mean time all the Mischeif may be over and your assistance be of no use so that I think you are obliged by your promises to the Government of Boston, to make war immediately against the Eastern Indians since they have not accepted your message to incline them to Peace And now I expect you will give a possitive answer to the Gentlemen from Boston in pursuance to your repeated promises Since that you do not now deny them and are convinced that the excuse you made before me in a private Conference was all false, so that you know very well that you have promised that if the Eastern Indians did not accept your last Message you would take up the Hatchett, and you ought now to stand

to this as what you are bound to do and to make a favourable answer thereupon to the Gentlemen of Boston

But if you will be so unworthy and so cowardly [as] to avoid going to war with your whole Nations as you ought to do you can not do less than permitt your young men to list themselves as soldiers under the Goverment of Boston, for this is a custom in Europe and the French know it well that when they were at war with the English they have gone to a people who were at Peace with the English and have had leave to list soldiers from that Nation, and this was not thought any breach of y^e^ Peace between y^e^ English and that Nation which was neutral in the War, and if some of these soldiers were killed in the War it was not looked upon as the concern of that Nation but only a private Loss to their own kindred

So that if the Government of Boston can persuade any of your young men to list under them this does by no means engage you in the war but these young men will act only on their private account

I now give you a very large Present, & I have taken care to give you the best Powder that can be bought, & I must warn you not to put above half so much in your Guns as of common Powder for it will break your Guns, if you do & a little will serve to shoot withal And now I take my leave of you, wishing you all a good Journey [home] & good health till I see you again

Answer of the Sachims of y^e^ Six Nations to His Excell^cy^ William Burnet Esq^re^ Capt^n^ Gen^ll^ & Governor in Cheif of the Provinces of N York New Jersey &c. In Albany the 20^th^ day of September 1724

PRESENT—His Excell^cy^ W^m^ Burnet Esq^re^ Capt^n^ Gen^ll^ & Gov^r^ in Cheif of the Province of New York
Francis Harrison, one of His Mat^ys^ Council for same

Commissioners

Henry Holland	Philip Livingston
Peter Van Brugh	John Collins
John Cuyler	Hend^k^ Van Renselaer
Evert Banker	David V: Dyck

D'Kannasore Speaker

Brother Corlaer

As you summoned the Sachims of the Six Nations to appear here they in obedience to your commands are come who have heard the Propositions you made to them, and you their answer, The renewing of the Covenant Chain is acceptable to us which we promise shall be kept inviolable

You can not expect I should repeat your speach made to us yesterday but shall touch on what your Excellency was pleased to say that you could always know what answer came from us, and what is put into our mouths by the Handlers, and since Your Excellency doth not approve of the Place we proposed for you to have a Block House built So wish you joy where you design to have it made and that you may get many Beavers in that Trap

Yesterday you told us that you designed to return home and wished us a good journey for which we are very thankful since we have often lost some of our principal men in their Journey who had the Burthen of the Government of our Nations

Brother Corlaer

We are desirous to know from you the number of these People who design to settle at the end of the Onnondage River to Trade

His Excellency replyed he could not tell some times 40 or 50 more or less as shall be necessary to carry on a Trade

D Kannasore said

Brother Corlaer

I am appointed Speaker by the Six Nations as you have recommended to them & they approved of me and shall do my endeavor to promote the British Interest and they have promised to take my advice in Publick affairs and when matters of consequence do occur

Brother Corlaer

We desire you to excuse us for the small Present we now make which is but a few Skins had we known that you designed to send for us to meet your Excellency here we would have collected more, but we had sold our Skins before we knew of this Treaty & therefore desire your Excellency to accept of it

We desire to know if you'l accept the advice of D'Kannasore in matters of consequence for the Public Welfare

His Excellency answered that he would advise with him if matters of great consequence do occur he may either come to New York, or else advise with the commissioners here which is the same thing

D Kannasore said

We wish your Excellency a good Journey home & hope that Gods blessing may attend you

Brother Corlaer

We are to depart this day you going one way & we the other here is a small Present (being a Beaver coat) to be kept as a Chair to sitt in and consider for the welfare of us all, that when we are accused of any base thing, we may be heard and answer to what may be laid to our charge

Propositions made by His Excllcy William Burnet Esqre Captn Gênll & Governor in Cheif of the Provinces of New York, New Jersey &c to the Sachims of the Schaahkook Indians (Indians who live twenty miles above Albany, directly North upon Hudsons River) In Albany this 19th day of Sep. 1724

Children

I have sent for you to acquaint you of several complaints our Brethren of New England have against some of your people, who have committed sevl base Acts in their country and are here to tell you the particulars

Then the Gentlemen from the Massachusetts Bay told the said Sachims that one of their Indians called Schaschanaemp was about eight weeks ago on their Frontiers doing mischeif to the Christians, and last fall in the Indian army against Northfeild and desire to be informed whether they knew of him

The Indians replyed, that he and another Indian came to Scaahkook about the 8th or 10th of July last but no Indians being there at that time, came to some of their Nation at the Half Moon, who asked them from whence they came, they said from Canada and are now gone a hunting, The last fall when the army was against Northfeild this Schaschanaemp came to Saraghtoge

The said Gentlemen say that about 3 weeks ago, the Indians killed some of there people, and one of the Indians was also killed by their People in the Action — The marks of him are taken & shown to one of your Nation who says he is a Schaahkook Indian

The said Sachims reply that the name of the said Indian should be known it may be its one of the Deserters who are gone from us to live in Canada

His Excellcy told the said Indians that they ought not to harbour any of those Indians who commit murders in New England but ought to deliver them up to that Government to be punished and not to subsist them with necessarys as I am informed you do for that is the same thing as going to War yourselves against our Brethren

The Boston Commrs say that one Indian was shot lately in the Arm on their Frontiers, called Snaespaenk and asked whether he has not been among them or if they knew of him: That your ancestors have lived on our Frontiers and removed from thence to Schahkook, and you have ever since had your hunting on the Branches of our Rivers where with we have been always well pleased as being firmly united to you and taken you peculiarly for our friends more than any of the five Nations since you are our near neighbours & take it the more unkindly that you should harbour and assist our Enemies who committ Acts of Hostilities on our Frontiers

His Excellency desired to know from them what was the reason that after the fair promises and engagements made to him two years ago, of their fidelity and honesty, that so many of their Nation have deserted their habitations & are gone to Canada and now insult and commit [so] many murders on our Brethren of New England and what provocation has been given them

The Indians answer

The last fall when an army of 200 Indians were gone to N England a Messenger came to some familys settled at Saraghtoge, who told them that this army after they had cut off a Town in N England was designed to fall on them and therefore advised them to remove to Canada whereon they went directly to Canada without acquainting any of the Schaahkook Indians with it—

His Excellency said why did not those Indians (if they were afraid) remove to the Mohoggs Country, where they could be secure

They replyed that they did not so much as acquaint one Indian who they suspected would inform us with the news but left him and went away without telling where

His Excellcy said: by this I see you have no command over your people, Its surprising that your people are so fond of going to Canada, what can be the reason here is better Land and hunting for you. There has been a Tree planted by the former Govrs for you to shelter under that you might live Plentifully & increase under the shadow of it

They say: its true that a Tree has been planted and we are recommended to live & shelter under the shadow of it but that Tree begins to decay and the leaves to wither, having but a small spot of Land to Plant on

Father: We have been in an ancient Covenant [with you][1] and lived peaceably with you We are still desirous it may continue so We have been a hunting two years ago on the Frontiers of New England in a peaceable manner, and were taken & carried to Goal at Boston & not well used by that Government & had it not been for M^r^ Jacob Wendell a Merch^t^ at Boston we might have been taken and treated as ennemies, and those who are gone to Canada being some of those Indians go to fight against New England to revenge themselves

The Boston gentlemen say, that those Indians who were taken and carried to Boston Goal, were taken by mistake they being on Penekeok River, where some Indians live who have ever been the worst ennemies of our people, but as soon as it was known they were friend Indians the Government resented it, and it was ill taken that the people had taken them, and they set at Liberty

Father

We are in a firm Covenant with you and live under the shadow of the Tree of Peace and friendship planted at Schaahkook We have been desired to go and assist New England against the Eastern Indians But you are our father, and the Six Nations our Leaders when they go we shall follow—A belt has been sent to our great & good Father King George, concerning this war, to which no answer has as yet been returned, till then we don't know how to behave ourselves, *Give a Belt*

His Excellency said: that they should live peaceably at Schaahkook and not harbour any of the Indians who have been to murder any of our Brethren in New England and when they come among them to deliver them up to justice

I do by this Belt renew the ancient Covenant Chain that you may behave yourselves as good and obedient Children and live and shelter under the shadow of the Tree of Peace & friendship, Gave a present for their Nation

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Conference between the Massachusetts Commissioners and Six Nations of Indians.

[New-York Papers, Cc., 142, 143.]

A Proposition made by the Commissioners of the Province of the Massachusetts Bay in New England, to the Six Nations at Albany on Sept^r^ 16^th^ 1724

Brethren

We have (formerly) acquaint^d^ you how tenderly we have dealt with the Eastern Indians and notwithstanding repeated abuses, which the Government of the Massachusetts Bay have suffered from them, yet they endeavored by friendly methods to bring them to a peaceable behaviour, all which proved ineffectual since which you have taken the same course with them yet they continue obstinate, therefore it now seems necessary to proceed against them with severity

Tis now more than a year since the Commissioners from the Massachusetts Bay tendered you the Hatchet against the Eastern Indians, which you took and laid by your side to use in case they would not hearken to proposals of Peace which you proposed to offer to them at

[1] The words and letters within [ ] in the preceding Conference are added from the Record in *New-York Council Minutes*, XIV., 354, *et seq.*

Boston with threatining, in case they would not hearken to you, but they contemptuously refused to see you there

Afterwards when you were at Boston, you said you took fast hold of the Hatchet, but desired the Gov^{r} to send your Belt to His Majesty King George to know his pleasure respecting the War

Near three months since we again met with you here, then you express^{d} a desire once more to try the Eastward Indians by sending Messengers to them to take away the Hatchet from them, and to bring them hither to treat of Peace, and agreed that they should go from hence to Boston there to put an end to the War, you told us that you would then make an end of the business and in case the Eastward Indians would not hearken to you, and comply with your demands you would at that time take up the Hatchet (which lay by your side) and assured us that the six Nations had agreed to it, and it should be done

They seemed to despise your message and sent you word that they would not lay down the Hatchet nor come hither to treat with you and charge our governm^{t} with making Prisoners of their Messengers which you yourselves know to be false for many of you have seen these men at Castle William, and heard them declare that they were (by their own people) sent thither as hostages You must by this time (from your own experience) be thoroughly convinced of what we have often told you of the falseness and perverseness of the Eastern Indians, (things thus standing) the Government of the Massachusetts Bay have thought fit once more, to send us hither to receive your final Resolution, and if they consider you as a people just to your friends or faithful to your promise they can have no room left to doubt of your immediate entering into the war, and joining [their] forces, to oblige those obstinate People [to submit] to the Crown of great Britain, which (by the blessing of God) we hope may be soon effect^{d}.

The Answer of the Six Nations of Iroquois, in Albany upon Sep 18 1724 To the Commissioners of the Massachusetts Bay in answer to the Proposition made to them upon Sept^{r} 16th 1724

We have sent to the Eastward Indians twice in order to Peace, but they have not adhered to us and we have sent a Belt of Wampum to the King and our whole dependance is upon that, and we have been told that the answer would come in the spring but still it comes not and still we wait the Kings Pleasure

And now some short time ago we sent Messengers a third time to the Eastward Indians, in order to Peace, but it was by them disregarded and two days ago when you spoke to us, you did desire of us to take the matter into serious consideration and that we have done and the Eastward Indians answered the Messengers and said that in order to Peace with the Boston Government they did desire two things viz the Return of the Land, and secondly the return of the Hostages and from that we think the matter respecting Peace seemed to lye with you, and in as much as there is peace between the two Crowns of England and France that this matter of Peace lieth with you

All Mankind is not without thinking and our thoughts are that the delivering up the Captives (meaning the Hostages) is the likeliest way for Peace

Tho' the Hatchett lays by our side yet the way is open between this Place and Canada, and trade is free both going and coming and so the way is open between this place of Albany and the six Nations and if a War should break out and we should use the Hatchett that layes by

our Side, those Paths which are now open wold be stopped, and if we should make war it would not end in a few days as yours doth but it must last till one nation or the other is destroyed as it has been heretofore with us We have been three times with the Eastward Indians and could not prevail and we know what whipping and scourging is from the Governor of Canada and the Eastern Indians seem to be inclined to Peace and in as much as we have tryed three times and could not effect it we would have you try with them yourselves & see if you can't make Peace with them yourselves for we have been at War with the Governor of Canada but not with the **Broadway* nor with Albany, and we desire to be so still

* The name ye Indians give ye Government of Boston

We would not have you take it that we forsake you for why should we do it, neither brother would we do it and upon this we lay down a Belt of Wampum

Governor Burnet to the Lords of Trade.

[New-York Papers, Cc., 149.]

New York 11th Novr 1724

My Lords

I have herewith enclosed to Mr Popple the Acts of the Assembly for the year 1723 in authentick form, and I now send to your Lordships Duplicates of my letter of the 7th instant— Of all the Propositions made to the Indians at Albany, and their Answers, Of the Report of the Committee of Council here on the merchants Petitions and Allegations Of my reason for the Act to prohibit Trade with Canada, of the Affidavits to prove that I sent the Acts of 1723 home in authentic form, in Decr last with a List of the said Acts I have further enclosed to your Lordships a Memorial from Dr Colden which contains a history of the principal transactions between this province and Canada which may serve to give a full and clear light to the true State of the Fur Trade, and hope will prove acceptable to your Lordships, and I hope you will excuse me if I have been too tedious and particular in refuting these Merchants since they have given us here so just Provocation and that your Lordships would be so good as to move His Majesty that the Merchants may be obliged to declare their informers which I hope your Lordships will think a reasonable Request in behalf of the Legislature here who are injured by their calumnies and seem to have a just claim, that the Merchants shall either confess their fault or name their authors—All which I humbly submit to your Lordships by whom I would much rather have my interest determind than according to my own opinion

I am with great Respect
My Lords
Your Lordships
Most dutiful and most
obliged humble Servant
sgd W Burnet

Mr. Colden's Memoir on the Fur Trade.

[New-York Papers, Cc., 151.]

A Memorial concerning the Fur Trade of the Province of New York, presented to His Excellency William Burnet Esq^re^ Capt^n^ Gen^ll^ & Gov^r^ &c. By Cadwallader Colden, Surveyor General of the said Province Nov 10^th^ 1724

It has of late been generally beleived that the Inhabitants of the Province of New York are so advantagiously situated with respect to the Indian Trade and enjoy so many advantages as to Trade in General, that it is in their Power not only to rival the French of Canada who have almost entirely engrossed the Fur Trade of America, but that it is impossible for the French to carry on that Trade in competition with the People of this Province — The enquiring into the Truth of this Proposition may not only be of some consequence as to the riches and honor of the British Nation for it is well known how valuable the Fur Trade of America is, but likewise as to the safety of all the British Colonies in North America

New France (as the French now claim) extends from the mouth of the River Mississippi to the Mouth of the River St Lawrence by which the French plainly shew their intention of enclosing the British Settlements and cutting us off from all Commerce with the numerous Nations of Indians that are every where settled over the vast continent of North America — The English in America have too good reason to apprehend such a design, when they see the French Kings Geographer publish a Map by which he has set bounds to the British Empire in America and has taken in many of the English Settlements, both in South Carolina and New York within these Boundaries of New France — And the good Services they intend us with the Indians but too plainly appear at this day by the Indian War now carried on against new England

I have therefor for some time past endeavoured to inform myself from the writings of the French and from others who have travel'd in Canada or among the Indians how far the People of this Province may carry on the Indian Trade with more advantage than the French can, or what disadvantage they labour under more than the French do. As all Endeavors for the good of ones country are excuseable I do no doubt but my intention in this will be acceptable to your excellency, Tho I be not capable of treating the subject as it deserves

I shall begin with Canada and consider what advantages they have either by their situation or otherwise Canada is situated upon the River of St Lawrence by which the five great Lakes which may be properly called the five inland Seas of North America) empty themselves into the Ocean The mouth of this Great River is in the Latitude of 50 Deg over against the body of Newfoundland — It rises from the Cataracqui Lake, the Eastermost of the five great Lakes about the Lat of 44 deg and runs from thence about North East to the Ocean, and is about 900 miles in length from that Lake to the Ocean — The five great Lakes which communicate with each other, and with this River extend about 100[1] miles Westward further into the Continent — So far the Indians have[2] already discovered and their discoveries make it probable that an Inland Passage may be found to the south sea by the Rivers which run into these Lakes and Rivers which run into the South Sea. The method of carrying goods upon the Rivers of North America into all the small Branches and overland from the Branches of one River to the branches of an other was learned from the Indians and is the only method practicable through

[1] 1000. *Colden's Five Nations*, ed. 1750, Part III., 27. — Ed. [2] the *French* have, &c. *Ibid.*

such large Forests and Deserts, as the Traders pass through in carrying from one Nation to the other, It is this The Indians make a long narrow Boat made of the Bark of the Birch Tree, the parts of which they join very neatly—One of these Canoes that can carry a dozen men can itself be easily carried upon two mens shoulders, so that when they have gone as far by Water as they can which is further than is easily imagined because their loaded Canoes don't sink 6 inch into the water, they unload their Canoes, & carry both goods and Canoes upon their Shoulders over land into the nearest branch of the River the intend to follow

Thus the French have an Easy communication with all the Countrys bordering upon the River of St Lawrence and its Branches with all the countrys bordering upon these inland Seas and the Rivers which empty themselves into these Seas and can thereby carry their Burden of Merchandize through all these countrys which could not by any other means than Water carriage be carried through a vast Tract of Land

This however but half furnishes the view the French have as to their commerce in North America many of the Branches of the River Misissipi come [so] near to the Branches of several of the Rivers which empty themselves into the great Lakes that in several places there is but a short land carriage from the one to the other as soon as they have got into the River of Missisipi they open to themselves as large a feild for Traffic in the Southern Parts of North America as was before mentioned with respect to the Northern Parts If one considers the length of this River and its numerous branches he must say that by means of this River and the Lakes there is opened to his view such a scene of inland Navigation as cannot be parallelled in any other part of the world

The French have with much industry settled small Colonys and built Stockada Forts at all the considerable Passes between the Lakes except between Cataracqui Lake (called by the French Ontario) and Lake Erie, One of our five Nations of Indians, whom we call Sinnekes and the French Sonontouons having hitherto refused them leave to erect any buildings there. The French have been indefatigable in making discoveries and carrying on their Commerce with Nations whom the English know nothing but what they see in the French Maps and Books. The Barrenness of the Soil and the coldness of the Climate of Canada, obliges the greatest number of the Inhabitants to seek their living by travelling among the Indians or by trading with those that do travel. The Governour and other officers have but a scanty allowance from the King, & could not subsist were it not by the perquisites they have from this Trade Neither could their Priests find any means to satisfy their ambition and Luxury without it So that all heads & hands are employed to advance it, and the men of best parts think it the surest way to advance themselves by travelling among the Indians and learning the Languages even the Bigotry & Enthusiasm of some hot heads has not been a little useful in advancing this commerce. For that Government having prudently turned the Edge of the Zeal of such hot spirits, upon converting the Indians many of them have spent their lives under the greatest hardships, in endeavoring to gain the Indians to their religion, and to love the French Nation while at the same time they are no less industrious to represent the English as the ennemies of Mankind

So that the whole Policy of that Government, both civil and religious are admirably turned to the general advancm[t] of this trade—Indeed the Art & Industry of the French especially that of their religious Missions has so far prevailed upon all the Indians in North America that they are every where directed by French Council even our own five Nations (the Iroquois) who formerly were mortal ennemies to the French and have always lived in the strictest Amity with the English have of late by the Practises of the French Priests been so far gained

that several of the Mohawks who live nearest the English have left their habitations, and are gone to settle near Monreal in Canada and all the rest discóver a dread of the French Power—that much of this is truly owing to the Priests appears from many of the Sachims of the Iroquois wearing crucifixes when they come to Albany and those Mohawks Indians that are gone to Canada are now commonly known both to the French and English by the name of the Praying Indians it being customary for them to go thro the Streets of Monreal with their Beads praying & begging alms

But notwithstanding all these advantages the French labor under difficultys that no art or Industry can remove The mouth of the river of St Lawrence and more especially the Bay of St Lawrence lyes so far North and is thereby so often subject to tempestuous weather and thick Fogs that the Navigation there is very dangerous and never attempted but during the summer months the wideness of this Bay, together with the many strong currents that run in it the many shelves and sunken Rocks that are every where spread over both the Bay and River, and the want of Places for anchoring in the Bay all increase the danger of this Navigation so that a Voyage to Canada is justly esteemed much more dangerous than to any other part of America The many shipwrecks that happen in this Navigation are but too evident Proofs of the Truth of this particularly the miscarriage of the last expedition against Canada. The Channel is so difficult & the Tides so strong, that after their shipping get into the River they never attempt to sail in the night tho the wind be fair and the weather good—These difficultys are so considerable that the French never attempt but one voyage in a year to Europe or the West Indies tho' it be really nearer Europe than any of the English Colonies where the shipping that constantly use the Trade always make two voyages in y^e^ year

The Navigation between Quebec and Monreal, is likewise very dangerous & difficult. The tide rises about 18 or 20, feet at Quebeck, which occasions so strong a Stream that a Boat of Six oars can not make way against it, the River in many places is very wide, and the Channel at the same time narrow and crooked, there are many shelves and sunken Rocks, so that the best Pilots have been deceived, for which reason the vessels that carry goods to Monreal, are always obliged to anchor before night, tho' both wind and tide be fair, The flood goes no further than Trois Rivieres, half way to Monreal, and about 90 miles from Quebec after they pass this place, they have a strong stream always against them which requires a fair wind and a strong gale to carry the vessels against the Stream and they are obliged in this part of the River as well as under the Trois Rivieres to come to an anchor at night tho' the wind be good—These difficultys make the common passages take up 3 or 4 weeks and some times six weeks, tho' if they have the chance of a wind to continue so long they may run it in 5 or 6 days After they pass Monreal they have a strong stream against them till they come near the Lakes so that in all that space which is 150 miles in length, they force their Canoes forward with setting Poles or drag them with Ropes along shoar and at five or six different Places in that way the river falls over Rocks with such force, that they are obliged to unload their Canoes, and carry [them] upon their shoulders, they never make this voyage from Monreal to Cataracqui in less than twenty days and frequently twice that time is necessary Now we are come so far as the Lake my design leads me no further for at this Lake all the Far Indians that go to Canada, must pass by our Traders, and from thence the road to the Indian Country is the same from Albany that it is from Monreal

Besides these difficultys in the Transportation the French labor under greater in the purchasing of the principal goods proper for the Indian Market for the most considerable & most valuable part of their Cargo, consists in Strowds, Duffils Blankets and other Woollens,

which are bought at a much cheaper rate in England than in France—The Strowds which the Indians value more than any other Clothing, are only made in England, and must be transported into France before they can be carried to Canada, Rum is an other considerable Branch of the Indian Trade which the French want, by reason they have no commoditys in Canada fit for the West India Markets—This they supply with Brandy at a much dearer rate than Rum can be purchased at New York tho of no more value with the Indians, generally all the goods used in the Indian Trade except Gunpowder, and a few trinkets are sold at Monreal for twice their value at Albany To this likewise must be added the necessity they are under of laying the whole charge of supporting their Government on the Indian Trade, I am not particularly informed of their duties or imposts, but I am well assured that they commonly give six or 700 Livres for a Licence for one canoe in proportion to her largeness to go with her loading into the Indian Country to trade

I shall next consider the advantages the Inhabitants of New York have in carrying on this Trade

In the first place the ships that constantly use the Trade to England, perform their voyage too and from London twice every year, and those that go to Bristol, (the Port from whence the greatest part of the Goods for the Indian Trade are exported) frequently return in four months These goods are bought much cheaper in England than in France—They are transported in less time with less charge and much less Risque as appears by the Premio for ensurance between London and N York being 2 P^{r} Cent Goods are easily carried from New York to Albany up Hudsons River the distance being only 140 miles, the river very straight all the way and bold and very free from Sandbanks as well as Rocks—So that the Vessels always sail as well by night as by day and have the advantage of the Tide upwards as well as downwards, the flood flowing above Albany It may therefore be safely concluded that all sorts of Goods can be carried to Albany at a cheaper rate than they can be to Quebec which is three times further from the Indian countrys than Albany is.

To put the Truth of this Question out of all dispute, I need only observe what is well known both at New York & Albany viz: that almost all the Strouds carried by the French into the Indian Countrys as well as large quantitys of other goods for the use of the French themselves are carried from Albany to Monreal—There has been an account kept of 900 Pieces of Strouds transported thither in one year besides other commoditys of very considerable value. The distance between Albany & Monreal is about 200 Miles all by water except 12 miles between Hudsons River and the wood Creek where they carry their Bark Canoes over Land and about 16 miles between Chambly & La Prairie over against Monreal, and tho the Passage be so short and easy, these Goods are generally sold at double their value in Albany

But as this Path has been thought extreemly prejudicial to the Interests of this Colony I shall leave it to go on to an other that leads directly from Albany into the Cataraqui or Ontario Lake without going near any of the French Settlements from Albany the Indian Traders commonly carry their Goods 16 miles over land to the Mohawks River at Schenectady, the charge of which carriage is 9^{shgs} New York money or five Sh: sterling each Waggon Load; From Schonectady the carry [them] in Canoes up the Mohawks River to the carrying place between the Mohawks River and a river that runs into the Oneida Lake which carrying place is only 3 miles long except in very dry weather when they are obliged to carry [them] two miles farther, from thence they go with the Current down the Onnondaga River to the Cataracqui Lake the distance between Albany and the Cataraqui Lake this way is nearly the same with that between Albany & Monreal, and likewise with that between Monreal and the

Cataracqui Lake and the Passage much easier than this last because the Stream of the Mohawks River is not near so strong as the Cataracqui River between the Lake and Monreal and no fall in the River save one short one, whereas there are as I have said, at least five in the Cataracqui River where the Canoes must be unloaded, Therefore it plainly follows that the Indian Goods may be carried at as cheap a rate from Albany to the Cataracqui Lake as from Albany to Monreal so that the people of Albany have saved[1] all the charge of carrying Goods 200 miles from Monreal to that part of the Cataracqui Lake which the French have to carry before the bring them to the same place from Monreal Besides the advantage which the English have in the Price of their Goods

I have said that when we are in the Cataracqui Lake we are upon the Level with the French because here we can meet with all the Indians that design to go to Monreal—But besides this Passage by the Lake there is a River which comes from the Country of the Sinnekes and falls into the Onnondage River, by which we have an easy carriage into that country without going near the Cataracqui Lake. The head of this River goes near to Lake Erie and probably may give a very near Passage into that Lake, much more advantagious than the way the French are obliged to take by the way of the great fall of Iagara because narrow Rivers are much safer for Canoes than the Lakes where they are obliged to go a shoar if there be any wind upon the water but as this [passage] depends upon further discovery I shall say nothing more of it [at this time]

Who ever then considers these advantages New York has of Canada in the first buying of their Goods and in the safe speedy & cheap transportation of them from Britain to the Lakes free of all manner of Duties or imposts, He will readily agree with me that the Traders of New York may sell their Goods in the Indian country at half the price people of Canada can and reap twice the profit they do—This will admit of no dispute with those that know that Strouds (the staple Indian commodity) this year are sold for £10 a piece at Albany and at Montreal for £25 notwithstanding the great quantity of Strouds said to be brought directly into Quebec from France and the great quantity that have been clandestinly carried from Albany It cannot therefore be denied that it is only necessary for the Traders of New York to apply themselves heartily to this Trade in order to bring it wholly into their own hands for in every thing besides diligence & Industry and enduring fatigues the English have much the advantage of the French and all the Indians will certainly buy where they can at the cheapest rate

It must naturally be objected, that if these things be true, How is it possible that the Traders of New York should neglect so considerable & beneficial a Trade for so long a time In answering this objection I shall show the difficultys New York has laboured under, by giving a short History of the Country, so far as it relates to this Trade which method I think can be liable to the least objection, and will put the whole in the truest light

When this country (the Province of New York) came first under the Crown of Great Britain, Our five Nations were mortal ennemies of the French at Canada, and were in a continental war with them and all the Nations of the Indians round the Lakes so that then it was not safe for the English to travel further than the Country of the five Nations nor would our Indians permit the Far Indians with whom they had constant War to pass through their countrys to Albany—Besides y^e^ Five Nations of Indians were at that time so numerous (consisting of ten times the number of fighting men they now do) that the Trade with them

[1] plainly save. *Colden's Five Nations*, Part III., 34. — Ed.

alone was very considerable for so young and small a Colony In the latter end of King Charles's Reign when the Duke of York and Popish Councils prevailed, the Governor of New York (who was likewise a Papist) had orders to use all his endeavours to make up a Peace between our Nations (the Iroquois) and the French that he should persuade the five Nations to admit French Priests among them in order to civilize them The consequence of which was that the French thereby obtained a free commerce upon the Lakes and obtained leave to build Cataracqui Fort upon the North side of Cataracqui Lake and [have] two vessells of force upon the same Lake From this time during all King James' Reign the French when ever they had any differences with our five Nations, threatened that the English of New York would join with them and destroy the five Nations by which and the Practises of the French Priests our five Nations became very much alienated in their affections from the English and looked upon them as a people depending on the French—The consequences of this seemed so dangerous to Coll Dongan the Governor of New York (tho' as I said a Papist) that he again and again complained to his Master of the ill offices the French Priests did the English among our Nations—When the English had thus procured a Peace for the French they thought they may justly reap some advantage from it and its hardly to be doubted but that they had promises of that kind they were therefore encouraged to send forty men with great quantitys of Goods into the Lakes under the command of Major M^{c}Gregory to trade with the Far Nations At this time M^{r} Denonville Governor of Canada was gathering together all the force of Canada and of the Indians ennemies of the five Nations, in order to surprize the five Nations and destroy them at the time they thought themselves secure by the Peace so lately made, Major M^{c}Gregory & his company were met by a French officer on Lake Erie coming with a Great number of men to the General Rendezvous of the French and he with all the English were all made Prisoners

They were used with such severity as has never been practised between Christian Nations in open war tho' the two crowns at that time were not only at Peace but under the strictest Tyes of mutual Friendship for the French used these people as Slaves, in building Cataracqui Fort and a poor French man that had conducted them was publickly shot dead as if he had brought an enemy into their country—Such was their apprehensions then of the English getting any footing among the Indians

The French Governor surprized a village of the five Nations, who on the French Faith lived in great security but 7 or 8 leagues from the French Fort and sent these miserable people to the Galleys in France He afterwards fell upon the Sinnekes and burnt their villages, but without any advantage to the French they having lost more men than the Indians did—This renew^{d} the War with greater Fury than ever, between the French and our Indians for some time afterwards our Indians in a great body fell upon the Island of Monreal was M^{r} Denonville[1] was in the Town they burnt & destroyed all the villages & houses round Monreal and killed some hundreds of Men Women & Children afterwards they came into the open fields before Monreal and there defied the French Governor who did not think it proper to fight them and when they had done all the mischeif they could they retired without any Loss

About this time the Revolution happened in Britain which was succeeded by a War between Britain & France In Feb^{y} $16\frac{8}{9}\frac{9}{0}$ a Party of 300 men consisting of equal numbers of French and Indians surprized Schonectade in the night time when the poor people were in their Beds

[1] *while* Mr. Denonville, &c. *Colden's Five Nations*, Part III., 37. — Ed.

in the greatest security where they barbarously murdered 63 men, Women & Children in cold blood laid the village in Ashes & then retired without reaping any other advantage besides this cruel Revenge on innocent People for the mischeif our Indians had done them This raised a cruel war between the two Colonys in which there was much mischeif done and blood shed without any advantage to either side In time of this war the most Christian Kings Governor of Canada was so much provoked that he thought fit to follow the example of our barbarous Indians and burn his Indian Prisoners alive in the most cruel manner in sight of all the inhabitants of Quebec, and to deliver up the English Prisoners to the French Indians who indeed had more mercy for they killed none of them

King Williams Peace put an end to this War, but the Peace lasted so short a while that the people of this Province had hardly time to resettle their Farms on the Frontiers which they had deserted in the time of War, much less to adventure trading in the Indian Countrys so lately the Scene of so much Cruelty

But both Colonys hav^{s} now an abhorrence of the crueltys of the last war, agreed on a kind of Neutrality for the Indians during Queen Ann's War. since which time we lost much ground with our own Indians. For the French having learned by dear Experience that it was not possible for them to conquer our five Indian Nations resolved to try all means to gain their affections, and in this art the French are always more successful, than in that of War, and the English failing in two ill concerted expeditions against Canada the Indians lost much of the opinion they had of the English Power and Valor—

In the time of this last war the clandestine trade to Monreal began to be carried on by Indians from Albany to Monreal This gave rise to the Konuaga or praying Indians who are entirely made up of Deserters from the Mohawks and River Indians and were either enticed by the French Priests or by our Merchants in order to carry goods from Albany to Monreal or run away from some mischeif done here These Indians now consist of about 80 fighting men and live about four leagues above Monreal: They neither plant nor hunt but depend cheifly upon this private Trade for their subsistence these Indians in Time of War gave the French intelligence of all designs here against them By them likewise the French engaged our Five Nations in a War with the Indians Friends of Virginia, and from them we might expect the greatest mischeif in time of war seeing every part of the Province is as well known to them as to any of the inhabitants, But if this Trade were entirely at an end we have reason to beleive that these Indians would return to their own Tribes for they [then] could not long subsist where they now are

As soon as the Peace was proclaimed, an open Trade with Monreal was carried on with such earnestness that Monreal was filled with Indian Goods and Albany exhausted by which means, Monreal became the principal, if not the only Indian Market, and the Indians depended entirely on the French for what they wanted

Our Merchants were fond of the Canada Trade because they sold large quantitys of Goods without any trouble the French taking them from their Doors whereas the trade with the Indians is carried on with a great deal of Toil and Trouble and as to the Interest of the Country they either never thought any thing about it or if they did, had no regard to it

Now I have brought this account to the time your Excellency arrived, what has happened since your Excell^{cy} know better than I can by any means inform you

From the whole it seems plain that any difficulties or disadvantages this Province has been under, have only proceeded from the Wars which have continued since the first settling of the Province to the beginning of the last General Peace

But now that not only this Province but likewise our six Nations of Indians are at Peace & in amity both with the French and all the Indians Nations with whom we can have any commerce—These difficultys are all removed, and we now enjoy the most favorable time that at any time can be hoped for in order to extend the British commerce in North America while the French not only labor under the Difficultys which I have shewn to be inseperable from the situation of their Colony but likewise under an other disadvantage (not before taken notice of) by the Fur trade of Canada being confined to one company—This company is obliged to pay heavy duties in France upon the importation of Beaver or any other Fur for which reason they always fix a price upon Beaver and their other furs in Canada and the Indian Traders in Canada being restrained from selling to any but the Companys Agents there, they cannot raise the Price of Indian Goods as the Price of European rise, or as their Profit on the Goods they sell to the Indians is lessened. The Merchants of New York allow our Indian Traders double the Price for Beaver that the French company allow their Indian Traders, The Price established by the Company for Beaver in Canada between[1] 2 livres or 18 pence Sterling the pound weight and the Current Price of Beaver in New York being 5 Sh: New York money or 3 Sh: sterling the pound weight—Therefore it plainly follows that our Indian Traders could undersell the French Traders, tho they were to give as great a Price for European Goods as the French do, & did transport them at as great Charge because of the double Price they have for their Furs in New York—But as our Indian Traders not only have a double Price for their Indian Goods but likewise buy the Goods they sell to the Indians at half the Price the French Indian traders do—The French Traders must be ruined by carrying on this trade in competition with the English of New York and the French Indian Traders had been ruined before now if they had not found means to carry their Beaver to Albany where they get double the Price they must have sold for in Canada It may be objected against this Argument that the Canada Company as soon as they find that the Traders can not sell at their established Price will allow a greater Price—but if we consider the Dutys the French Company is obliged to pay to the King they can not allow so great Price as the English can at New York & if it should be insisted that the French company may obtain a remission of those yet if the clandestine Trade with Albany be entirely stopped the French Traders will be ruined before such Remission can be obtained and their Trade will be at an end

My Inclinations lead me to shew what advantages not only the Indian Trade would reap by extending our Frontiers as far as the Lakes, but likewise the British Trade in some other Branches, which the Parliament of Great Britain seem to have much at heart viz Naval Stores, for the Soil on both sides the Mohawk River being as rich as it is possible (I beleive) for any land to be will be found the most proper for raising of Hemp of any part in America, and the whole country round it being full of the largest Pines, the Royal Navy is as likely to be well provided with masts there, and at as cheap a rate as any where else. But I have already too far presumed on your Excellencys patience

CADWALLADER COLDEN[2]

[1] being. COLDEN, *ut sup.*, 41. [2] The words within [ ], in the above Memorial, are added from the printed copy in Colden's *History of the Five Nations*, ed. 1750, Part III. — ED.

Governor Burnet to the Duke of Newcastle.

[New-York Papers (S. P. O.), No. 7, p. 69.]

New York 21st Novr 1724.

My Lord

I now lay before Your Grace, the propositions I made to the six nations of Indians at Albany in Septr last and their answers, with those of the Deputys from Boston, and the Indians answers to them.

Their business with the Six nations was, to engage them to join against the Eastern Indians, who are now in a bloody war with that Colony, chiefly at the instigation and encouragement of the French at Canada. But tho' I assisted the Governt of Boston as much as I could in this negotiation, and tho' the Indians had made promises to that effect, they now totally refused it, and would neither engage themselves nor suffer their young men to list as Souldiers to that Colony which was the alternative proposed to them: But they made several frivolous excuses, which are contained in the enclosed papers —

The chief thing I had to obtain of the six nations in behalf of this Colony, was the liberty of building a trading house in their country, on the side of the great Lake called Cataraqui or Ontario, where we now carry on a great Beaver trade with the Far Indians, and which is likely to bring that Trade wholly out of the French hands into our own, in a few years, if it goes on in proportion to its beginning's, upon which subject I beg leave to offer to Your Grace's consideration the enclosed printed papers which set the whole matter in a clear light.

The facts asserted by the merchants before His Majty and the Lords of Trade, will appear so groundless, upon inspecting the map, and the report of the Committee of Councill here, that I could not have wished for a more favourable occasion of exposing a set of men who value themselves on being able to overset any proceedings of the Assemblys in the plantations, that are not according to their humour; for reason and matter of fact are, what they are great strangers to. I have likewise added some written reasons for such acts as encourage this trade, and prevent that to Canada.

There is another subject on which these Merchants have had the good fortune to be credited on many occassions, which is about paper money, and which I humbly apprehend they have likewise misrepresented: as I have endeavoured to make appear at large, in my letter of this date to the Lords of Trade, of which I enclose a duplicate to Your Grace, with duplicates of my letters of the 7th and 11th inst: which are on the subjects of my transactions with the Indians, and of these complaints of the Merchants.

I hope Your Grace will approve this method of giving you a short view of the concernes of this Governt, and of refering to my letters to the Lords Commissrs of Trade, for the more minute detail of particulars, if your more important affaires should afford leisure to look into them.—

This is a method I found had been always used by Brigadier Hunter, my predecessor, and what Your Grace's predecessors have not disapproved, and therefore I hope it will be agreable to Your Grace.—

I take the liberty to recommend Mr Philip Livingston to be a member of the Council here, in the room of Gerardus Beckman deceased, which I have likewise mentioned to the Lords of Trade, in my letter of the 7th inst: I hope your Grace will be favourably pleased to name him to His Majesty, that he may be appointed for that purpose.

There is Mr Ingolsby, an Officer belonging to the Forces here, who is both a Lieut[t] in my company and Adjutant to all the four companies here and has now been almost three years in that post, without ever coming hither, or promising me when he designs to come. He has from time to time obtained His Maj[ty] furlough to stay, which I humbly desire your Grace would stop for the future, and give him positive orders to repair to his post at New York.—

I am sensible that I have taken up a great deal of your precious time, and am with the greatest respect

My Lord
Your Grace's
Most dutiful and most obedient
and most humble servant
(Signed). W Burnet.

Governor Burnet to the Lords of Trade.

[New-York Papers, Cc., 153.]

New York 21st Nov 1724

My Lords

With my last of the 11th Novr I sent your Lordships Duplicates of the authentick Acts of Assembly passed in 1723 Now I enclose herewith to Mr Popple the authentick [acts] of Assembly past in July last

1 The first of these is an Act for raising and Levying the sum of six thousand six hundred and thirty pounds, for the supplying the Deficiencys of His Majestys Revenue, and for the several uses and purposes therein mentioned, and for making of Bills of Credit for that value.

This Act sets forth in the Preamble, the several uses, and in the body of the Bill, the Sums provided for those uses, which are—

1st To supply the Deficiency in his Matys Revenue, £2521.15.$\frac{3}{4}$

2dly To repair the Buildings of the Fort 2000.0.0.

3rdly To pay the arrears of Salary due to the Agents in England, £600.0.0.

4thly Towards encouraging the Far Indians to trade with us, and keep the 5 Nations true to His Mâtys Interest £200.0.0

5thly To supply the Deficiency in the Fund for cancelling Bills of Credit struck in 1715 the sum of £1200.0.0

6thly For the charges of Printing & signing these Bills of Credit, £108.4.$\frac{1}{4}$

Which makes up the sum total of 6630£

After the uses of the money are explained the Reasons for Stricking Bills are next expressed — That the officers of the Government must otherwise be kept out of their money for a very long time & have difficulty to subsist that the Buildings of the Fort are so ruinous as to want immediate Repairs and that there is danger in all delays to engage the Indians in our Interest

The means of assessing these Levys on the Real & Personal Estates of ye Inhabitants, has nothing in it different from former Acts and the nature of the circulation of these Bills, and ye Provision for sinking them do not at all deviate from the Acts formerly passed for the same purpose So that there is no further need of explanation of these Particulars

But this being an Act for making Paper Money, tho' within my additional Instruction which allows of such Acts when they are for raising or levying a publick Revenue

I think myself obliged to offer to your Lordships Reasons that are in my poor opinion sufficient to justify it and other Acts of this Nature with the same precaution

I am very sensible of the disadvantage I lye under in writing upon this argument, and the misfortune it is to any cause to have already appeared in an odious light, as I am but too well convinced is the case of paper money Acts in the Plantations, by your Lordships last words in your letter of the 17th of june— *That Bills for encreasing of Paper money will meet with no encouragement*— I hope your Lordships will not think it presumption in me even after this declaration to endeavor to give you a more favorable opinion of such Acts and if I go too far in this, it is owing to the encouragement your Lordships have given me by receiving what I have offered on all occasions in so kind a manner and admitting the best constructions that my weak Reasoning will bear

I have already in my letter of the 12th of May last used several Arguments to justify the Paper Act in New Jersey, and therein I observed how well the Bills of New York keep up their credit and the reasons why they have not fall'n in value as those of Carolina and New England and that under a good regulation these Acts are both of Service to the Trade of the Plantations and of great Britain, for which that I may not repeat I beg leave to refer to my said letter of the 12th of May last and desire your Lordships would again take into your consideration when you are to determine your opinion on this present Act.—

But there are many things there only hinted at which I shall now lay before your Lordships and in which I shall cheifly argue from what is to be gathered from experience in Great Britain itself from observing the nature of credit and the events it has under gone, and in this I hope I may be the more patiently heard because what experience I have was purchased at no very cheap rate

Credit ought to be supported if it is possible, both by *reason* and *common opinion*. Reason tho ever so strong will not always do alone in the Beginning if common opinion is against it but it will carry all before it at the long run: Common opinion or humor will generally do for a time without reason nay, against it But then it is often attended with vast mischeif and danger—Of this we have a fatal Instance in the famous south Sea Scheme, which being left to common opinion without any restraint has produced the most terrible effects possible. If there had been a possitive Law, making all Bargains for South Sea Stock above some fixed Price as 150. void and making it a legal tender at 100 all these mischeifs would have been avoided but this would have been called *compulsive Paper Credit*, yet because in Reason it is worth so much as long as the Nation stands and because the Parliament has always kept their engagements all clamors against this would soon have blown over and no enemies would have been found to it but Brokers

To make this appear it is enough to prove, that at the bottom all the present voluntary credit stands upon this very foundation at last & no other

It is very certain that there is no proportion between the Specie & the great quantity of Bank Bills and Bankers Notes. commonly current who lend their notes on the several Branches of Government Securitys and seldom at a Rate under *par* very often above *par* When the Government is safe this would do when there is any danger, Common opinion pulls down her own work & Bankers break in abundance, and the Bank itself is put to Extremitys. An Instance of this I remember at the time of the Preston affair—The Bank would have broke in a few days, if the victory there had not happened as soon as it did

And the Reason was plainly this because when they had paid away all their Specie they had nothing left but Exchequer Notes, and such other Securitys to exchange for their remaining Bank Notes and these would have been at such a discount that they must have broke, and compounded for such Payment at the Best

Thus it is plain that the foundation in Reason of the credit of the Bank it self, not to speak of Private Goldsmiths is the Government Security remaining at *Par* and yet the Parliament is so good as to provide an interest on these Exchequer Bills, and to pay the Bank so much more per cent for circulation whereas in fact when foul weather comes the Bank is a Staff of Reed and must lean on the Government to prop itself up and so increase the load instead of easing it

And this humour keeps up the imaginary value, when there is no real accasion for it; all Government Securities being at the same time commonly above *par* But upon any ill News the like Humor beats down all voluntary credit, in the same manner as it does Exchequer Bills &c and really carries the General Discredit as much further than it ought as it had advanced credit beyond its reasonable bounds before and if once the Bank had broke, then all this would have appeared to a demonstration

But the Bank is yet a Virgin, and the exchequer was once shut up in King Charles's Reign tho' I think she has since fully made up for the Sins of her Youth by punctual Payment for thirty or forty years last past

If then instead of these secondary instruments of circulation the Parliament should think fit to make all Parliamentary Paper Credit a Tender at Par and that it be received in all Taxes as well as paid, which is doing with private persons, as the publick is done by I can not see that it would be any injustice, nor more liable to danger, than the present methods of circulation are It may be objected that this is a french way of proceeding to declare the value of money by edict, but it is easy to answer that the Laws of a Free Government are not at all like the Edicts of an arbitrary one and that it is as unsafe in France to trust the Bankers, as the Government, for when the Government refuses to pay them, they they must break and so it would be in England,—The first Breach of Engagements in the Legislature to the Creditors of the Publick would break all the Bankers at once, and therefore what the Government does by their hands, and in which it is in effect their support it is capable of doing for itself, and if founded on Reason, tho against the present humour it will prevail in the end

I have already endeavored to shew the danger of Common Opinion in money matters, when no ways restrained by Law by the instance of the South sea

I may add that it is the same thing with Liberty in general if Mobs are entirely left to their common opinion or humor it is well known how fatal they may be to the publick safety and if the liberty of the poor which is now grown to such a Pitch of Licentiousness as to be the greatest Tax and greivance to the Nation were regulated by as severe and as practicable Laws as in Holland it would be of great use to the Publick

From all which I beg leave to conclude, that is not the names things get for the present but the real nature of them, that will be found to hold against all events & that in the instance of Paper money where it is regulated by just Laws and where the Publick have not acted contrary to them their credit is in reason better established than the credit of any private Persons or Society and that the method used to catch the common opinion of mankind by offering them their money when they please is nothing but a fashionable Bubble which People are every day sufferers by when a Banker breaks & that even the best founded Societys can not maintain

their Credit when there is the Greatest need of them. But that all Credit finally centers in the Security of y^e^ Governm^t^

I take the liberty further to observe to your Lordships on how many occasions the Government of Great Britain has found it impracticable to raise all the money wanted within the year from whence all the present debts of the nation have arisen: The same necessity lyes often upon the Plantations where frequently a sum of ready money is wanted, which it would be an intollerable Tax to raise at once, and therefore they are forced to imitate the Parliament at home, in anticipating upon remote funds. And as there is no Bank nor East India company nor even private subscribers capable of lending the Province the money they want at least without demanding the extravagant Interest of 8 P^r^ Cent which is the common Interest here, but would ruin the publick to pay since this is a Case there is no possible way left to make distant funds provide ready money, when it is necessarily wanted, but making paper Bills to be sunk by such funds. Without this Carolina would have been ruined by their Indian War Boston could not now support theirs nor could any of the Provinces have furnished such considerable Sums to the Expeditions against Canada Nor could at present any of the necessary repairs of this Fort be provided for, nor the arrears of the Revenue be discharged, which is done by this Act in a Tax to be levyed in 4 years nor indeed any publick Service readily and sufficiently effected

And I may add one thing more that this manner of compulsive credit does in fact keep up its value here and that it occasions much more Trade and business than would be without it and that more Specie is exported to England by reason of these Paper Bills than could be if there was no circulation but of Specie for which reason all the merchants here seem now well satisfied with it

I hope your Lordships will excuse my being so long and earnest upon this head because it is a subject of the greatest importance to all the Plantations and what I humbly conceive has been often misrepresented by the Merchants in London

2 The next Act is for making Bills of Credit and putting the same in the Treasurers hands for exchanging therewith such Bills of Credit of this Province, as are torn and defaced. The constant use of these Bills in the Market, and among common people, had destroyed so many of them that it was necessary in common justice to find away to exchange them, when they were no longer fit to pass—Which is entrusted with the Treasurer because he gives five thousand pounds security for the due discharge of this office

3 An Act for regulating the Militia &c The former act was expired and is now revived with some amendments

4 An Act for fortifying the City of Albany, This was attempted before but the Method in the former act was found defective which is endeavored to be remedied in this

5 An act for continuing the acts made for prohibitg the selling of Indian Goods to the French with some alterations

This is a subject on which I have lately been so full & particular that I do not think there is any occasion to trouble your Lordships with Repetitions on this occasion some small defects and mistakes in the former are here corrected and the Acts only continued till November 1725

6 An Act to prevent Tenants to make Waste &c this was found to be very necessary to preserve the Interests of Proprietors which had been extreemely damaged by the Licentiousness of Tenants

The remaining Acts are of small consequence, and I have nothing further to remark on them but barely to enumerate them

7 An Act for laying out Public Highways at Schohare in Albany county &c

8 An Act for laying out High ways in Suffolk county

9 An Act to oblige the Collector of Richmond county to collect &c the Anual Rate &c

10 An Act to enable the Mayor &c at Albany to defray the publick Charges of that city

11 An Act to enable the Justices of Queens county to finish the Goal & Court house of that County

12 An Act to prevent damage by Swine &c

13 An Act to prevent Boats from being molested

14 An Act for paying Gerrit van Horn David Provoost Johannes Jansen & Jacobus Kip for serving in General Assembly

15 An Act for naturalizing Francis Van der berg &c:

16 An Act to prohibit all persons but Susannah Parmeter Widdow and her assigns to make Lamp black, during the space of ten years

Besides these Acts in authentick form, I have enclosed to M^{r} Popple a printed copy of these Acts and of the Votes of the last Sessions of Assembly and the written minutes of the Council for New York, from july 18th 1723 to october 1st 1724 and the Minutes of Council from the 14 Nov^{r} 1722 to the 24 October 1724 for New Jersey I have likewise sent several printed copies of the Papers relating to the Trade with the Indians to be delivered to your Lordships

I have just received the observations of the Commissioners for the Indian affairs at Albany who consist of the principal men there and which I hope will be satisfactory to your Lordships and is agreeable to the report of the Committee of the Council

What they say of the French having lain as a Wall at Iagara between us & the far Indians when they had goods plenty is meant only their having had a great Storehouse of Goods for they never had a fort there, or above 7 or 8 persons to reside there But now that they have not goods so cheap they have seldom had any body there and very few goods for these two years past which is owing to the Act.

As to what Commiss^{rs} mention of forces to be sent into the farther Country of Indians I apprehend could not be done without an open Breach with the French, and since the trade encreases without any such shew of Force I think it is better to let it take its course by gentle means, which I beleive will be sufficient as they have proved already

I herewith send you also an Account from the Custom House by which it appears that the quantitys of Furs & Skins differ very little for the last four years from the four years before the Act But the Merchants packing Beaver, and other Furs and Skins, altogether, is the occasion that they cannot distinguish the Beaver by itself, but it is universally beleived, that this last year there is more Beaver sent than ever which may be known from the Custom House in London

I have an Account from Schenectady, 16 miles above Albany, that by the nearest computation there were from the year 1716 to 1720 but 30 Canoes of far Indians that came thither and from 1720 to 1724 there are come 323 which is above ten times the number

Thomas Fitch Captain of the Ship Samuel who received my Packet of 16th Dec last with the acts of Assembly for 1723 is lately arrived and has made affidavit of the Delivery of that Packet to the Post Master of Deal upon his arrival in the Downs which affidavit I enclose & a duplicate of my last letter

I have been very tedious for which I hope your Lordships will pardon me who am with great respect My Lords

Your Ldp's mo. obt & mo humble St.
Sg[d] W BURNET

P S. N York 28 Dec 1724
My Lords

I have one paper more to trouble your Lordships with to confute the Merchants Assertions that fewer Goods have been imported to this place since the Act about the Indian Trade than before. This account taken at the Custom House for four years before & four years since the Act will shew the contrary taking one sort of Goods with an other in the best manner we can compute them here and the number of vessells differs but by one during the whole time. I have said so much on this subject already that I am justly apprehensive of growing tedious, and am with great Respect

My Lords Your Ldp[s] &c
S[d] W BURNET

P S I herewith send Duplicate of Capt[n] Fitchs Certificate of hav[g] carried home the Act of Assembly for 1723

Report of the Commissioners of Indian Affairs.

[New-York Papers, Cc., 157.]

Whereas His Excellency William Burnet Esq[res] Capt[n] Gen[l] and Governor in Cheif of the Provinces of N York New Jersey &c hath been pleased to write a letter to the commissioners appointed for managing the Indian affairs at Albany dated the 22[nd] of October last wherein he enclosed Copy of a Petition of several Merchants of London, to his Majesty against an Act of General Assembly passed in New York the 19[th] of November 1720 And an order of His Majesty in Council, upon that Petition referring it to the Lords of Trade and their Report thrôn with the Cheif Allegations made by the said Merchants before the said Board, Desiring us to make our observations on as many of the said Allegations, mentioned in the said Petition or hearing before the Lords as we know they have misrepresented—We having considered of the same, do take leave most humbly to make the following observations thereon

That what is alledged in the first article of the Petition aforesaid "That all Trade what "so ever is prohibited in the strictest manner, & under the severest Penaltys between the "Inhabitants of N York Governm[t] and the French of Canada" Contradicts itself for that only relates to Indian Goods having ever since the passing of the said Act, had free Liberty to dispose of Christian Goods & very considerable quantitys have been vended to the French of Canada

That the Reasons assigned in the Preamble of this Act, for the passing thereof, we don't doubt but the same were very well grounded, since the Sachims of the five Nations, have often applyed to this Government to prohibit the selling of Indian Goods to the French for they affirmed that by that they were enabled to supply the Far Indians, wherby they prevented them from coming to trade with the inhabitants of this Province for they had Strowds so

plenty, that they lay at Iagara as a wall over which the said far Indians could not come to carry on a free trade hither and at the same time alledged that the great supply the French got from hence would be the occasion that Strouds would become the dearer to them

As to what they say "That besides the Nations of Indians that are in the English Interest "there are very many Nations of Indians, who are at present in the Interest of the French & "who lye between New York & the Nations of Indians in the English Interest" By which we perceive they are misinformed for we don't know of any such Indians living between the places aforesaid in the Interest of the French. This Trade with the far Indians if it could be entirely brought hither would not only be of great consequence to His Mâtys Interest, but no small encouragement to the five Nations in general, who have opened a Path, and invited them to trade with them and the inhabitants of this Province, the more since there are some nations of Indians who by the insinuation of the French are settled above Ochjagara on Land belonging to the Sinnekes which they have some years since surrendered to His Maty, being their cheif Beaver Hunting with those and other far Indians the said five nations promote a Trade in their Passage to this place, and several stay and marry among them

That what is alledged in the said Petition "That tho' in the first intention in the making the "said Act it might be well designed yet in the effect it has proved very pernicious to the British "Trade in general and to the Interest of New York in particular." To the contrary we are sensible of the good effect of the said Act for since the time of the passing thereof here has been much more Trade with the Far Indians, than there has been in several years before

That what the Petitioners alledge "From the great difficultys of the carrying on any Trade "with the English Indians and the Prohibition of all Trade with y^e^ French" is very ill grounded for we have had a better Trade with the Indians since the passing of the Act, than before, and should still have been better had their not been some Transgressours of the said Act, by which the French have received some supply of Strowds

And what they say "That all Indian Goods have by this Act been raised in their price 25 to "30 P^r^ Cent" We conceive may be occasioned by their Demand and consumption in Europe and not by reason of the small quantitys imported

That the encouragement which was on the Trade between the French of Canada and the Inhabitants of this Province was by far not so advantageous to the Inhabitants thereof, as this new Trade would be if it could effectually be brought in the New Cannel as designed by the said Act, for then we would not only reap the Benefit on the sale of Strouds but also on the things of little value whereon the most gain is to be had, whereas the cheif commodity the French want is strowds (which are universally in fashion among the Indians) which were sold them here on much easier Terms, than they can have them from any other place on the continent, so that nothing can tend to keep the five Nations of Indians firm in their Faith and Allegiance to His Majesty, and the enlarging His Matys Empire in America and to keep them strictly united to the Interest of the Inhabitants of this and neighbouring Provinces, than the promoting and carrying on a Trade with the far Indians and cultivating a good understanding and Friendship among them from which would flow the happy consequences designed by the said Act effectually if the French could get no supply of Strowds from hence or any other British Plantations, they not being able to get a quantity of Strowds from France or Holland sufficient to supply their Indians: but more effectually if we had the happiness that His Majesty would be graciously pleased to send over forces and have a fort built and men posted at Ochjagara or Therondequat or between those places beyond the five Nations on the passage of

the said far Indians, which leads them hither or to Monreal, to take possession and settle the Land resigned to his Majesty, by the five Nations and borders on them on the south side of the Lake might, determine his Mâtys Interest and Trade in that point which otherwise may remain precarious by reason of the Interest the French have with the said far Indians and by such an intercourse of Trade between the inhabitants of this Province, the five Nations, and the far Indians and the cheapness of European goods would improve and strengthen the English Interest among the Indians in general for by the vast difference on the price of Goods they have from hence, by what the French can afford them they might by such encouraging Trade be linked to our Friendship in the strongest Tyes of their own Interest as well as Inclinations

We take further leave to observe that what is alledged by the said Merchants before the Lords of Trade "That if the French should once get a supply of Goods necessary for "the Indian Trade from any other place as the five Nations are settled on the Banks of the "River of Saint Lawrence, directly opposite to Quebec 2 or 300 leagues distant from "the nearest settlement in New York, the Vicinity of the French would furnish them with "means of supplying even the five Nations with those Goods, and consequently of alienating "their affections from the British interests" By which it palpably appears how great Strangers they are to the Situation & Trade of the five Nations who are settled to the Westward from this city: By what we apprehend these Gentlemen must understand by the five Nations those Indians who are deserted from them, whom the French have received with open arms & by the craft of their Priests are settled near Monreal, who live among them (at a place called by the Indians Cachnawage) where they have built a fort for them as they have also done for other Indians settled near them, and those Indians have before the Act continually been imployed to carry on the Stroud Trade between the Inhabitants of this place and the French of Canada and is their cheif Livelyhood, and those Indians of the five Nations who have been imployed in the said Trade by the Inhabitants here have had the Goods and Beavers seized, which was also a motive for them to settle in Canada, and then had liberty to carry on the said Trade more freely—Which is humbly offered by

May it please your Excellency

Your Excellencys most obed^{t}

and most humble Servants

Signed Ph Livingston, Henry Holland, John Collins, Robt. Livingston Jun^{r}, Evert Wendell, Johs. Cuyler, Hend^{k} van Renselaer, Pieter Van Brugh, David Vandyck, Evert Banker

Albany 12th Nov^{r} 1724

Secretary's office New York

A true Copy examined P

Is Bobin D. Sec^{y}.

Affidavit of Messrs. Groesbeck and Schuyler.

[New-York Papers, Cc., 161.]

John Groesbeck of Albany in the Province of New York in America Merchant but now in London and Dirk Schuyler of New York âfsd Merchant now also in London Jointly & severally make oath as followeth: and first these Deponents say that they left New York in the beginning of Nov^{r} last arrived in London on the twelvth day of Dec. last—And these Deponents say that for several years last past these Deponents have been acquainted with the nature of the Indian Trade carried on by the Inhabitants of New York & Albany and this Deponent John Groesbeck hath for these last two years last past carried on a Trade upon his own account amongst the French Settlm̄ts near New York & Albany and particularly at Montreall upon the River Saint Lawrence in such Goods as are not prohibited but which unprohibited Trade is very inconsiderable, and both these Deponents say that in the last year these Deponents being both then at Albany they were credibly informed & beleive that several English Traders were prosecuted for trading with the French of Canada under the Acts made in New York for prohibiting such Trade and that such English Traders were condemned in the Penalties in such case inflicted by the said Acts of Assembly and that the Penalties so recovered amounted to about one thousand pounds and this Dept. Dirck Schuyler saith that he saw three hundred pounds delivered to Persons to carry to the Treasurer of the Province in order to discharge part of such Penalties and which this Deponent assuredly beleives was actually paid to the s^{d} Treasurer accordingly—And both those Deponents say that by discourses they have had with the French Traders and by other observacôns they have made they are fully satisfied & verily beleive that the greatest part of y^{e} Beavers that are brought to Albany is Beaver purchased of the French not bought by the English of the distant Indians & by the best account these Deponents could ever get from the English and French Traders in Beaver not above a fifth part that had been shipped for Europe these 3 or 4 years last past was brought from the five Nations or any other Indians but from the French of Mont Royall & Canada and which Beaver the English Traders are in a great measure necessitated to buy of the French tho' they thereby incur the Penalties of the said Act or otherwise the Beaver Trade must as these Deponents beleive by reason of the said acts be almost lost as to the English And this Deponent John Groesbeck saith that he beleives that nothing prevents an increase of this beneficial Trade with the French Indian Traders but the said several Acts of Assembly which have lately been made at New York which this Deponent rather beleives for that many French Indian Traders have declared to this Deponent that they would bring their Furrs to the Cataracui Lake there to meet to Trade with the English Traders rather than to go down the River St Lawrence to Mont Royall or Quebeck & back again but to expect that they would suffer the English Traders to Trade with the Indians themselves round the Lakes commonly called the upper Lake Michigan Lake Hurons Lake Erie Lake and Cataracqui Lake, that would not be suffered and such an attempt would create a War but which method of Trade in meeting the French Indian Traders at Cataracqui Lake the English cannot comply with on their Parts by reason of the said Act so that such French Indian Traders are forced to carry their Furrs to Mont Royall & Canada and both these Deponents say that at the most convenient places for Trade in or round the 5 Lakes aforesaid and their passage The French have erected Forts to prevent any Trade with the far or foreign Indians coming thro' the country of the 5 Nations to Albany or any of the English Settlements

as much as they can and particularly near the fall of Iagara into the Cataracqui Lake and at the Bottom of the said Lake as these deponents have been informed by several credible persons and that the French at the aforesaid fall of Iagara unload their Goods and bring them by Land carriage till they can ship them conveniently upon Canoes or other vessells on the Cataracqui Lake, from whence the Goods are brought down the River St Lawrence to Mont Royall & in which Lake a Guard of Soldiers were kept by the French the last summer as these deponents have been credibly informed and beleive And these Deponents say that betwixt the nations called the [farr] Nations conquered by the 5 Nations and the 5 Nations commonly called Iroquois there are several Settlements of French and French Forts as these deponents have been credibly informed & beleive who have hitherto prevented those conquered nations, or Nations in alliance with the five Nations, who are esteemed good Hunters from bringing any quantity of Beaver Skins through their passes and forts to the 5 Nations or through their country spially at the afsd fall of Iagara, as also have prevented the said Indians to bring any Indian Goods back to their own country. And this Deponent John Groesbeck saith that the Trade of Canada is at present in the hands of a french company there, commonly called the Canada Company, who fix their own price upon their Goods and also fix their own price upon the Beaver and Skins which the French Indian Traders bring to them, which is so exhorbitantly high at what they sell, and so low at what they buy, that it is thought and generally esteemed to be at least one third part difference to what the French private Traders could agree for with the English Traders, in case the English Traders could be at Liberty to traffick with such Traders, but which the said Act prevents — And this last named Deponent John Groesbeck saith that the French have Strouds & other Wollens to the quantity of at least 200 Pieces, which this Dept: hath seen of their own importing, as the French Traders have told him, into Canada from Europe and which are different from the English make as to the List. And this last named Dept. sayth that he saw the same a bringing from Quebec up the River St Lawrence to Mount Royall and this Deponent John Groesbeck further saith that during this Depts stay at Albany he was informed by the Traders there that when the Indians about two years since were going to Albany to carry their Furrs in order to buy Indian Goods &c they were fired upon by a Guard from a Blockhouse belonging to the Government of New York called Mount Burnett for which they said they would have revenge And this Dept Dirk Schyler saith that he hath since been informed at Albany that the French Indians said since they could not be employed in the Indian Trade from Albany they would go and help the East Indians against the Colony of Boston which accordingly this Deponent hath been credibly informed they have done since to the great hurt of that Colony & both these Deponents further say that the price of Beaver in New York was before the first Act was past prohibiting the Indian Trade into Canada Three shillings or Three shillings & three pence p^{r} pound but since the said Act the price thereof hath continued rising to four shillings and four shillings & three pence and this last fall the same were sold at New York for five shillings and five shillings and three pence P^{r} Pound which rise in the Price of the said Beaver these Deponents from their knowledge in that Trade assuredly beleive and are very well satisfyed arises from the said Acts prohibiting the Indian Trade with the French And these Depts say that the French have settled amongst the Foreign Indians have Priests among them and they intermarry with their Indians and the French have great numbers of Forts or Block Houses amongst the said Farr or foreign Indians

sg^{d} John Groesbeek Jun^{r} Ambo jurat 15to die fêbris 172$\frac{4}{5}$
Dirck Schuyler Coram Fran Elde

Lords of Trade to Governor Burnet.

[New-York Entries, K., 364.]

To W^m^ Burnet Esq^re^

Sir,

We have received your letters of the 20 May, 9^th^ Aug: 7, 11, 21 and 24 Nov: last with the several papers therein referr'd to and have sent the Acts to M^r^ West one of his Majesty's Council for his opinion thereupon in point of law which so soon as we shall have received from him we shall loose no time in recomending the said Acts to his Majesty either to be confirmd or repealed

We have read and considered your & the Council's sev^l^ reasons for continuing the Acts to prevent the selling Indian goods to the french as also your answer to the Merchants mem^l^ against it, But as the merch^ts^ have desir'd to be heard again upon this subject we shall defer till then giving our opinion upon this Act. However we can not help taking notice upon this occasion that we were surprised to find the Merchants memorial with our proceedings thereupon printed which we think was not fit to be done since we sent it to you only for your information and your answer thereto that we might be the Judges thereof and we hope you will take care that nothing of the like nature be ever done for the future.

We have as you desired recômended M^r^ Philip Livingston to be of the Council in the room of M^r^ Beckman deceased so we bid you heartily farewell & are

Sir

Your very loving friends
& humble Servants

J. Chetwynd
P. Doeminique
M. Bladen
E. Ashe
R. Plûmer

Whitehall
4 May 1725.

Proceedings of the Lords of Trade on the N. York Acts regulating the Indian Trade.

[Journal, XXXV., 102–115; 122–155.]

Whitehall Wednesday May 5^th^ 1725.

At a Meeting of His Majesty's Commiss^rs^ for Trade & Plantat^ns^

Present— M^r^ Chetwynd M^r^ Bladen
M^r^ Doeminique M^r^ Ashe
M^r^ Plûmer

New York M^r^ Sharpe attending according to appointment together with several Merchants trading to New York, who complain against three Acts lately pass'd there relating to the Indian Trade, and M^r^ Leheup Agent for that Province being likewise present the said Acts were severally read viz^t^

An Act for the Encouragement of the Indian Trade and rendering of it more beneficial to the Inhabitants of this Province, & for the Prohibiting the selling of Indian Goods to the French pass'd in 1720

An Act for the further & more effectual prohibiting of the selling Indian Goods to the French pass'd in 1722

An Act for continuing the Acts made for prohibiting the selling of Indian Goods to the French, with some alterations pass'd in 1724.

As also the Merchants Answer to the Reasons for supporting the said Acts, transmitted with M^r^ Burnet's letter of the 9^th^ of August 1724, mention'd in the Minutes of the 15^th^ of the last Month; Whereupon M^r^ Sharpe acquainted their Lordships, that he was instructed by the Merchants before he enter'd upon the merits of the said Acts, to complain of M^r^ Burnet's exposing in print their Petition against the Continuance of the first mentioned Act, His Majesty's reference, the representation and even the Minutes of this Board on that Subject, & of the harsh Expressions us'd against them in the answer of the Committee of Council of New York to their said Petition.

The Report of the Committee of Council of New York of the 6^th^ of Nôvem: 1724 was then read Paragraph by Paragraph; And as to the situation of the sev^l^ Nations of Indians with respect to New York & the City of Albany, M^r^ Sharpe acknowledged some Mistakes of the Merchants at their former Hearing, & admitted it to be as set forth in the beginning of the said Report, with respect to the Five Nations themselves; but it was alledg'd that there were other Indian Nations in alliance with the Five Nations, that were look'd upon as English Indians, & that the Nations in such alliance may be interrupted by the French Forts from trading with the English. That there are several far Nations to the Northward of Canada, whence the best Furs are brought thither, tho' all the Western Indians come as alledg'd in the said Memorial.— In Reply to the Answer given in the said Report "That only the carrying Goods to the French "which are proper for the Indian Trade is prohibited" It was said that the Merchants never contended or meant that the Prohibition extended to more than Goods proper for the Indians; the Trade in other branches remaining as it was, but then the same was represented as inconsiderable.—As to the Assertion of the said Committee "That there has been every year "since the passing the first mention'd Act more Furs exported from New York than in the "year immediately before the passing it." The Merchants deny that more Furs were imported in this Kingdom in the subsequent than in the years preceding the said Act, & referr'd to the Custom House Accounts. However if it had been as the Report sets forth, yet they sayd that before the year 1720 there being large Quantities of Furs carried from New York directly to Holland, upon complaint thereof in Parliament, & that the Dutch had Beaver cheaper from our Plantations than We, An Act was pass'd here in the 8^th^ year of His Majesty's Reign, whereby beaver fur is restrain'd, as other enumerated Commodities, to be exported from His Majesty's Plantations in America to this Kingdom only, And those Furs that before the said Act us'd to be carried to Holland, are since included in the Account from the Custom House of Furs imported.—In respect to the Allegation of the Committee "That "the principal of the Goods proper for the Indian Market are only of the Manufacture of Great "Britain or of the British Plantations, & that the French must be oblig'd to buy all their "woollens (the strouds especially) in England," M^r^ Sharpe said the Merchants much question'd if that were strict Fact, & the more for that they were very well inform'd that the French were come to make all the woollen goods proper for the Indians (except Strouds)

better than we do; and that as to Strouds, they had of late fallen into a method of making them; but Mr Sharpe admitted that New York had the advantage, in point of Trade, over Canada, did not these Acts hinder them.

And as to what the Committee urge concerning the advanc'd Price of Strouds at Montreal among the French above what they are with us at Albany; the Merchants did not controvert that fact, with respect to the price which only the Private traders among the French (not belonging to the Canada Company) give for Strouds to the Company, but said the Company monopolize the Indian Trade as far as in them lies, ingross the woollen Goods proper for it, & set their own prices on those private traders, who but for this Act of New York now complain'd of, might have been supplied with proper goods from New York, & made returns in Furs from the Far Nations of Indians to the Northward of Canada whose Correspondence with the English, the French interrupt; And in genl it was alledg'd that if all the Nations of Indians & those with whom they trade in those parts, were not prohibited by this Act from trading as they please, His Majesty's subjects would have a greater & more beneficial trade than they now enjoy.—The Remonstrance taken Notice of by the Committee as made by the Merchants of Monreal to Monsr Vandreuil their Governor, "That if the Trade from Albany were not by "some means or other encourag'd they must abandon that settlement," Mr Sharpe observ'd could only be from the French private Traders, by way of complaint against their own Company there, & admitted what the Committee alledge against furnishing the French with Indian Goods from New York, would be of weight were it shewn that the French at Canada in general could not otherwise be supplied therewith, but on the contrary some of the Merchants present asserted that Strouds are made of late in France and sent to Quebec, & that tho' Strouds & Duffles were absolutely necessary in an assortment of Goods for the Indians, yet they were not the main of the cargo which was made up of Goods which the French have many of them, as cheap, if not cheaper than we.—That there were several far Indians, who do not now trade with us, but with whom we might entertain a beneficial commerce by means of the private French Traders.—In answer to what is said by the Committee "That the whole purport of the Act was to incourage our own people to go among "the Indians & to draw the far Indians through our Indian Country to Albany & which (as "they alledge) has produced these effects;" The Merchants affirm'd the contrary as to the consequences of the Act, it being thereby prohibited to our Traders to go to the far Indians, & not to be expected those Indians should come to us, as well by reason of their great distance as on account of the interruptions they must probably meet with from the French & the influence of the private Traders, And the Merchants further allegd'd that most of the Furs of late at New York were bought of persons who privately traded with the Indians & had submitted to pay the penalties of the Acts upon a presumption that they would be repeal'd here in Great Britain; In support of which allegation an Affidavit of Messrs Groesbeck & Schuyler was read; The Merchants added That the price our New York Traders were forced to allow the Indians is double (as they are inform'd) to what the French give for Furs, so that the French buying them so much cheaper can undersell us to the Dutch & other Foreigners.—That the French private Traders of Canada are prohibited to trade with the English, & by this Act of New York we are doing their business for them, & they will vend their own Strouds, a sort of Goods which they have now learn'd to make themselves.—In reply to the Committee's Assertion "That rather greater quantities of European goods have been imported into New "York since the passing the first Act complain'd of than at any time before it, in the same

"space of time" It was said that the Manifests & Custom House Accounts referr'd to were general not distinguishing the Goods proper for the Indian Trade from others & that if examined into, it would appear that the Exportation of Goods from Great Britain proper for the Indans has very much lessen'd since the said Act, & of which the greatest part was sold to the Private Traders—What the Committee advance "That none of the People of New "York travell'd into the Indian Countries to trade before the passing of this first mention'd "Act."—was denied by the Merchants who acquainted their Lordships that they were well assur'd that several Traders did go from New York to the far Indians before that time, & doubted not to have had sufficient Proofs of the same & other facts relating to the Indian Trade, but that several People who could make proof have been intimidated by the Governor from giving Evidence in this Affair.

M^r^ Sharpe then proceeded to take Notice that the Allegation of the Committee of their having "now above forty young men, who have been several times as far as the Lakes a trading" (by some of w^ch^ Lakes he observ'd according to his Instructions our Indians are bounded) seems to admit that the Indians were not inclin'd to come so far as Albany to trade with us, & that they must have gone beyond the Lakes to have traded with the far Indians.

The Merchants acknowledg'd as to the Quantity of woollen Goods sent to New York they had lately sent more than at any time since the passing of these Acts, on a Supposition they would be repeal'd but they apprehended the greatest part of the said Goods would lie in their Factors hands, if the prohibition against dealing with the French Private Traders continued; M^r^ Sharpe more particularly said that however these Acts might prove of Advantage or prejudice to the Trade of His Majesty's subjects in general, they ought to be repeal'd for the following Reasons.

1^st^ That whereas His Majesty's Governors of the Plantations are instructed not to pass Acts there which may affect the Trade or Navigation of this Kingdom (as he apprehended these Acts did in a very singular manner) without a clause inserted therein for suspending the Execution thereof till His Majesty's pleasure should be known, the said Acts had no such clause.

2^d^ For that by the 2^d^ Act the Party offending or suspected to have offended, was by a very extraordinary Oath, made liable either to accuse himself or to suffer very great Penalties.

3^d^ For that the said Act was of a very unusual & extraordinary Nature, as to the manner of laying the Penalties & the Persons appointed to tender the Oaths to those who should be suspected & that the Power of entring Houses, fining, & committing to Goal, ought not to be left at large to commanding Officers, who might sometimes be inferior Persons, and where there might prove any Prejudice or Malice the Tender of the Oaths might be repeated so often as to make the Traders liable to great Vexation if not Ruin, at the Humour of an Officer who might have conceiv'd any groundless prejudice against them, & this without any judicial trial or appeal.

Lastly. For that Merchants or Factors were subject by the said Act to great Forfeitures and Penalties on the single Oath of an Informer who is thereby to have the whole Goods discover'd in the Trade prohibited & one half of the Penalties.

And in conclusion M^r^ Sharpe submitted to their Lordships consideration whether several of these Particulars were not contrary to the Laws of England, & these Acts of New York therefore void of themselves by the Statute of 7^th^ & 8^th^ of King William the Third, *for preventing Frauds & regulating Abuses in the Plantation Trade*

Their Lordships then judging it too late for Mr Leheup to make answer to Mr Sharpe had offer'd in behalf of the Merchants against the said Acts; & for Mr Sharpe to reply; agreed to proceed in hearing them on this Day Seven night at Ten in the morning.

Whitehall Wednesday May 12th 1725

At a Meeting of His Majesty's Commissrs for Trade & Plantations.

PRESENT— Mr Doeminique, Mr Bladen, Mr Pelham, Mr Ashe, Mr Plûmer

N. York Mr Sharpe attending again with several Merchants trading to New York, as also Mr Leheup Agent for that Province, according to appointment the 5th Inst. Mr Sharpe acquainted their Lordships that since their last attendance a Gentleman now present, who had resided some time in the Province of New York, was arriv'd from Bristol, how with some other Persons concern'd in the manufactory part of the Fur Trade, were ready to be examin'd upon Oath to some material points against the Acts lately pass'd in the said Province *for regulating the Indian Trade*, particularly as to the Consumption of Furrs here being rather less than more since 1720; & also as to the Advancement of the price of that Commodity since the passing those Acts, both here and at New York, & to several other matters.

Mr Smith a Cutter of Beaver here in London, & vender of the same to the Hatters, being sworn, was examin'd as follows vizt The said Mr Smith being ask'd whether he was an Importer of Furrs, he answerd no, To the Question whether the consumption of Furs here was now more or less than of late years? He answer'd that it was now less than before the passing the said Acts, by reason of the present dearness of Beaver; And being ask'd how he knew the consumption was less, He answer'd that his own consumption was less, & tho' he knew not what quantity other Persons consum'd he had heard the same complaint from others. Being ask'd in what particular years the consumption of Furs here had lessen'd? He said that in the years 1720, 1721 & 1722 We had a pretty good consumption of that commodity, but that in 1723 Furs grew dearer than they had been & the Dealers could not procure them. He was then ask'd whether the Dearness of Furs here proceeded from their dearness at New York or other Plantations which he said he did not know. Being further ask'd what Furs were exported hence to Holland or other foreign parts, he said he knew nothing of the quantity of our exports, but that beaver was lately bought cheaper in Holland than here, And upon Inquiry of him what country beaver that was, he said he believ'd it was from Hudson's Bay. To the Inquiry what difference there was in the price of beaver in Holland and here? He answer'd that it was Six pence per pound cheaper in Holland than it could be bought here, where it was now risen to five shillings or 5s 3d, and Hudson's Bay beaver, which is the best sort, to about six shillings a pound.

Mr Nathaniel Curl being then sworn was likewise examin'd as follows vizt the said Mr Curl being ask'd whether he knew the price of beaver here in the year 1720? he said he could not tell it upon his memory, without recourse to his Books.—What it was in 1721, 1722 & 1723? he said to the best of his remembrance it was at 3s or 3s 2d per pound in 1721, & continued cheap till within about a year & half, & the consumption more than now, the price of beaver having gradually advanced sixty or seventy per cent.—What was the occasion? He answer'd

that he had heard the Importation was less of late from New York, several ships having arriv'd from thence with very small quantities of Furrs.

Mr Sharpe hereupon urged that the Diminution of the Consumption here, proceeded from the great price of skins at New York, & Mr Miranda alledg'd that of all the beaver imported from New York in the last two years, there was not a fourth part but what was had from the French private Traders.

The said Mr Smith being ask'd in what manufactures beaver is made use of here, & what quantity of skins may be exported to Holland? He said that We have little consumption of beaver but in hats, & that he does not know of any New York skins having been sent to Holland these two years.

Mr John Peloquin being sworn, upon several Questions being ask'd him, he said That he arriv'd at Bristol from N. York in August last—That he had lived in N. York four years and a half, & knew very well these Acts relating to the Indian Trade had prov'd fatal to all the Traders at N: York & Albany, That he had bought skins of the French; but being ask'd in what years, Mr Sharpe observ'd that his answering that Question might be of ill consequence to himself, if it were since the passing the said Acts; & said he believ'd their Lordships did not expect Mr Peloquin should accuse himself.—Mr Peloquin then proceeded & said he had not paid any Penalty for having bought the said skins.—That most of the skins lately imported from New York were bought of the French private Traders there, who several of them paid the Penalties of the said Acts; Being thereupon particularly ask'd how he knew that fact, He said he had heard so.—Whether he had been present in any Court of Judicature when persons had been convicted for trading contrary to the said Acts? He answer'd he had not but that the Treasurer of the Province told him two persons had given him the said Treasurer bonds for Payment of £200, being Penalties on the said Acts, which he said were the compl[t] of every Trader at New York—That he had particularly heard Mr Schuyler, one of the present Members of the Assembly for Albany, complain of the said Acts—That as to Strouds, he knew the French at Canada had strouds from England thro' France, and believ'd they might sell them cheaper that way than if they bought them of us at New York; That the French private Traders carry on a considerable trade with the Indians on their own account and bring Furs North of Quebec to our Dealers in the Province of New York; That in 1722 a large Quantity thereof was brought from Quebec notwithstanding the severe laws at Canada against it.—And that as to the said Acts of New York relating to the Indian Trade, every Body in general there, except the Legislature, complain of them; And that it was the general opinion there, these Acts would fall short of the Governors Intentions, which he believ'd however to be good. Mr Peloquin being ask'd whether the French Traders do not use to go among our own Indians? He said he had heard some of the French declare, & he apprehended that the goods they have from us are for the far Indians, & that he never had heard that any of them came among ours—That many of the French live among the Indians & supply the other Indians all about—Upon enquiry concerning the number of Indian Traders at New York, whether they were more or less since the passing these Acts complain'd of, He said there was yet little difference; but that upon passing the said Acts their strouds lay on the Traders hands & have ever since been a Drugg there; That the Spring was twelve months he sold Strouds for nine pounds a piece which before would have sold for ten pounds, & that many others cou'd not sell at so high a Rate as he did or on any Account Mr Peloquin further said that he thought it impracticable for us to

trade with the far Indians as long as they can be supplied by the French with the Goods they have occasion for; and being ask'd if he knew at what price the French Company sold their Strouds, and whether they sold them under £9.—He said they did not sell them under that price nor could afford to sell them cheaper than We.—That the said French Company's Agents buy Strouds for them here in England, upon licence which they obtain from the Court of France, & without which he believ'd such Trade was against the Laws of France. It was then urged by a person concerned here in the manufacture of Hats that the French buy their beaver cheaper in Europe than we do, & will consequently out do us in that Trade if we cannot procure beaver as cheap as they, to which he apprehended these Acts of New York were an Impediment.—It being observ'd that Strouds were lately sold by the French of Canada for double what they are sold for at N. York. It was answer'd that Beaver was purchased by the Canada Company for the half Price given for it at New York, And that the French could afford to lower the price of their Strouds as they found occasion.

Mr Leheup then proceeded to answer the Complaints and Allegations of the Merchants, and first as to the Printing their Petition with His Majesty's Order of Reference thereupon & other papers relating to the said Acts, He said it was no new thing, for that he had seen several printed cases wherein Orders of Council, Votes of Parliament & other Proceedings or so much thereof as might be to the purpose were inserted; That the Merchants in their said Petition to His Majesty having asserted several falsities in Facts, the Government of New York were under a necessity of rectifying the same & had no other way of doing it so well as by annexing a Map to their Answer & printing the same, which the Governor did by advice of seven of the Council of that Province for the Reasons set forth in the Conclusion of their Report to the said Governor viz^{t} "That what they said might be expos'd to the Examination of every one in "New York where the truth of the Matters of Fact is best known, & that the correspondents "of these Merchants might have the most publick notice to reply, if they should think it "proper, or to disown in a publick manner that they were the Authors of such groundless "informations."—As to the Complaint of the Merchants that several unjust Reflections were made upon them in the Answer to their Petition; Mr Leheup, said that related only to a few of the Merchants, who having endeavour'd to impose on His Majesty, did in his opinion deserve the Reflections made in the said Answer, which he conceiv'd to be very just. And as to the blame laid on the Governor on Acco^{t} of their being publish'd, he said the Council having recommended to him to print their Report, it would have been unfair to suppress any part of it.—That the Intention of the Legislature of New York in passing the Acts complain'd of was to extend their Frontiers, improve their correspondence & intercourse with the Indians, & thereby prevent the Danger arising from their being influenc'd and instigated by the French against His Majesty's Subjects, as some of them have of late been against the People of New England —That it is our Interest to have a direct Trade ourselves with the Indians, & not to let the French have a profit therein as hitherto they have for sometime had, thrô the indolence of the People of New York in not discovering this their interest sooner.—That these Merchants themselves admit New York has all the advantages against Canada by situation for Trade in gen^{l} with the Indians, but do say however that there are some Indians North of Canada with whom the French have the intire Trade, & that these Acts interrupt our Trade even with some of our Five Nations of Indians; the later of which assertions Mr Leheup absolutely denied & referr'd himself to the Report of the Committee of the Council of New York where an Account is given of the situation both of the Indians with whom the French Trade, & of the said Five Nations; And as to the Indians North of Canada, he said they did not supply

the French with the greatest quantity of their Furs, & that the Trade with them could not be entirely ingross'd by the French longer than they supply those Indians with Goods cheaper than we do.—In relation to the French making Strouds themselves, he said the Merchants produc'd no proof of it; That he believ'd as had been said by some of them, that Strouds might be sent annually from this Kingdom to France for the Canada Trade, but that by the Length & Danger of the Voyage, especially about the entrance of & up Canada River, the French were oblig'd to sell their goods at a higher rate than We could afford them.—That their voyage to Canada could not be perform'd above once a year, whereas our ships go safely twice and often three times a year—That besides Strouds and Duffles Rum is a
* page necessary Commodity for the Indians, which according to the said *Report of the Committee of the Council of New York, the French have not an opportunity of getting nigh so cheap but from the people of N. York; And as for other goods necessary for the Indians, he admitted that the French do furnish them with some sorts, but not cheaper than We do, And he alledg'd that the French could not get off those other Goods without our Strouds and Duffles &c[a] which are the principal parts of the Assortments for the Indians, whereby our general Trade to N. York has increased as appears from Acco[ts] from the Custom House—He observ'd that the Merch[ts] admit what has been alledg'd concerning the extravagant prices at which the French sell their Strouds at Quebec & other parts of Canada, & particularly said that Strouds are now sold at Montreal, for £20 which they us'd to sell at £13 before these Acts, & that whether the French private traders or their Canada Company carry on their Indian Trade, its equally prejudicial to Us.—And as to the Difference in the quantity of Furs imported before and since the passing of the said Acts, he referr'd himself to the Custom House Acco[ts].—That the Allegation of some of the Merchants that the consumption of beaver is less here by reason of the Advance in its price at New York within this year & half, is not supported by any proof; & he affirm'd that the rise of beaver proceeded from the demand for it in England, & that it appears the same quantity has been imported into this Kingdom as formerly, upon which the Market here is regulated—That the importation of beaver from the French was not prohibited at N. York only the sending to the French such goods as are proper for the Indians, & which it is our Interest on all Acco[ts] the Indians should have immediately from ourselves.—That the greatest part of the beaver comes from those Indians which lye to the Westward of Albany, with whom we are better situated to trade than the French; and as for any other beaver the French have, we are allow'd to take it of them in exchange for English Manufactures not proper for Indians—As to the objection of our Indian Traders being restrain'd from Trade with several Nations of our own Indians & oblig'd to enter into bond to prevent their so doing; He said that regulation did not obstruct our Trade with those Indians whilst they are Southw[d] of a certain line describ'd in the latter of the said Acts, where those Indians are settled nearer to Albany & the several of our Plantations in the Province of New York; but it was very reasonably intended to prevent Our Traders dealing with those Indians when they found them Northwards of the said line, which country being chiefly possess'd by the French, such trade might draw our Indians amongst them, & at the same time our Traders are licensed to trade directly (even in the French country) with all the Northern Indians where [they] had not a prospect of any trade till of late.—That it is apparent that these Acts have had a good effect from the several far Nations coming lately to Albany, whose names had not been heard of before as particularly specified in the said Report of the Council, thò he allow'd that many of the People of N. York, who either did not so well understand the publick Interest, or were ingag'd in Trade with the French might four or five

years ago be against altering the former channel of Trade—That as to the Governor himself, he had no particular interest in these Acts further than that of the Publick is concern'd, which it was his duty to promote—In answer to the allegation that the advance in the price of Furs here was a consequence of these Acts of New York, Mr Leheup said that if the said Quantity be imported as formerly such advance must be occasion'd by a greater Demand, and it might so happen that Furs might be dearer at New York without raising the price here proportionably, the Merchants being govern'd by the Markets here, & Furs being imported from other parts.—And some of the Manufacturers present being ask'd particularly concerning the imports of Furs to England by Hudson's Bay Company they said their Imports were increas'd of late & that the price of beaver from Hudson's Bay had risen here in proportion to that from New York; but that the price of both was lately fallen, the Hudson's Bay beaver from six shillings to about 4s 10 per £. & the New York much the same in Proportion.—As to what was urg'd by the Merchants that Our Importation of Beaver since it was made an enumerated commodity, ought to be so much larger by the quantity which before that time us'd to be sent directly from our Plantations to Holland & other foreign parts of Europe; Mr Leheup observ'd that it dos not appear what Quantity (if any) of Furs was carried directly from N. York to Holland or other parts of Europe, & that thô this Trade might be lessen'd upon the first *page Alteration of it's channel; it was now gradually increasing, and (*as the Council of N. York set forth) many far Indian Nations whose names were not heard of at New York before these Acts, were striving who should come first to trade with Us—As to the Merchants Allegation of their having great Quantities of Strouds lying on hand with their Factors at New York; He said it did not seem probable that those goods should lye by for want of vent, because the said Merchants admit they have sent greater Quantities this Spring than ever; which he could not allow was on any presumption that these Acts would be repeal'd, *page but by reason of the Demand for the Indians as is mention'd in the said *Report of the Council, & that the safety of the Province, as well as Benefit of Trade is greatly concern'd in them, by extending our Alliances with the Indians, who thô the French have great Influence with many of them by their missionary Priests, may not improbably be gain'd from them by Interest, & not only the Frontiers of New York but of His Majesty's other Plantations better secur'd. As to the Nation called the Praying Indians, who consist of some of Our Mohawks & others that deserted from us in the late War & are now situate not far *page from Montreal; Mr Leheup referr'd himself for an Acco[t] of them to *Mr Colden's printed Memorial, but observ'd that the Merchants admit & the Affidavit of Mr Groesbeck & Schuyler produc'd at the last hearing confirms, that if the present Regulation of the Indian Trade at New York be approv'd & continue, those Indians must remove because of the Trade between New York & Montreal (wherein they were chiefly imploy'd) ceasing, if they do not bring beaver for our Christian Goods or such as are not for a supply of the Indians; and in all probability the said Indians must fall in again with those in our Interest—As to the Objection of the Governors being directed by His Majesty's Instructions not to pass any Act whereby the Trade & Navigation of this Kingdom might be affected without a clause suspending such Act till His Majesty's pleasure should be known & that none of the Acts complain'd of had any such clause; Mr Leheup said he did not apprehend the Trade or Navigation of this Kingdom to New York was any way prejudic'd by the said Acts but rather the Contrary, and he referr'd to the 23[d] & 24[th] Articles of His Majesty's said Instructions to Mr Burnet, whereby he is particularly directed to prevent any

Trade or Commerce between His Majesty's Subjects & the French Plantations.—In respect to the Oaths injoined by the said Acts, he said the commanding Officers at Albany & others requir'd to administer them had no profit therein—That he did not apprehend any persons were oblig'd by the said Acts of New York, to accuse themselves more than on several occasions by Acts of Parliament relating to the Customs & Excise here, particularly by the late Act concerning the Duties on Coffee, Tea, Chocolate & Candles.—That where there was so great an Extent of Land to be secur'd, an Oath was the only way left to inforce the Law; & no precaution therein could be too great; And if there were any objection to the Oaths it should be from the Factors at Albany who are chiefly concern'd in them & not the Merchants here—That there was no profit as alledg'd to any private person for anothers refusing to take the said Oaths—And as to an Appeal, for which M^r^ Sharpe had alledg'd there was no Provision in the Acts, M^r^ Leheup said that they being silent on that head he apprehended there might be an appeal of course.—That because several Merchants appear against these Acts, it was not a necessary consequence that they were not good or prejudicial to Trade & the Publick Interest of this Kingdom & His Majesty's Plantations, in as much as the Act of Navigation which has been found so beneficial had many opponents amongst the Merchants—That it must be allow'd it is better for us to have beaver originally from the Indians thô at a distance than from the French at our own Doors.

He then pray'd their Lordships would please to report to His Majesty upon the subject matter of the Merchants Petition, & for further satisfaction concerning the said Acts he referr'd to Brigad^r^ Hunter late Governor of N. York, & desir'd that as the said Report of the Committee of Council there was more full than what he had said on severall Points, the same might be taken as what he had to offer in Answer to the Merchants said Petition.

Inquiry being made, since it has been represented on behalf of the Merchants, that the Generality of the People of New York were against these Acts relating to the Indian Trade, whether any application had been made to the Gen^l^ Assembly against them; The Merchants said they did not know but concluded if it was not done it might proceed from their judging such application would be disagreeable or fruitless

M^r^ Sharpe on behalf of the Merchants, & in Reply to M^r^ Leheup, represented to their Lordships that it was admitted on all Hands that the channel of the Indian Trade at New York has been alter'd by the Acts complain'd of, before which there should have been shewn some great inconveniencies in the former method of Trade, or plain benefits in the new.—That it appears the Trade was formerly carried on by means of the French private Traders & not the Canada Company, for the benefit of the English Merchants who had the beaver then from the far Indians, in lieu of our woollen manufactures; and he insisted that the advantage of that Trade was then with Us, and said that after four years experience it is evident by the Custom House Accounts that our Importations are rather lessen'd since these Acts.—That the Parliament having not long since lessen'd the Duties on Furs might be a reason of augmenting the importation—But if it were now greater, there ought to be deducted from the Account what us'd to go to Holland before Furs were made an enumerated Commodity, which the Merchants said was twenty or thirty thousand skins annually.—That in the Custom House Accounts at New York skins are often enter'd by Hogsheads, so that their number is not thereby to be known, nor what they are; and of the skins lately imported from New York it is believ'd by the Merchants four fifths of them were bought of the French private Traders & not of the far Indians themselves.—That the Report of the Committee of the Council of New York upon the Merchants Petition, is a Defence which they were appointed to draw up

but not supported by proofs, either of any Inconvenience in the former or advantage in the present method of the Indian Trade—That in relation to the Security of New York there dos not any thing appear in the former method of the said Trade that might endanger the alienating the Five Nations of Indians from our Interest, the French going to the far Indians being not what could affect our Five Nations—And that the French being many of them intermarried with the Northern Indians, will probably hinder them from coming to Us—That the price of Furs being risen both here & at N. York, & our importations decreas'd, are manifest disadvantages in the Trade—That from Amsterdam the Merchants were lately advis'd the price of beaver there had declin'd on Account of a large quantity from France.—That the whole stress in support of these Acts turns upon a supposition of the French having Strouds only from New York; whereas they have both of their own manufacture & from England & can have them cheaper from Europe than at New York.—That the Canada Company buy no Strouds at New York, nor give permission to their private Traders to do it, the Trade between us and the Company being prohibited—That the Trade with the far Indians cannot be carried on but by means of the French private Traders, & we supplying these traders with Strouds & their selling these Strouds to the far Indians & bringing back their skins to us at New York in Exchange, is a carrying on a beneficial trade with the far Indians by us at New York by the means of the French private Traders, who are no more than the hands or instruments of carrrying on this Trade with the far Indians by us, they being retalers for us & making N. York the Mart of this Trade—That whoever secur'd these private traders, secur'd the benefit of this trade and as we could supply them cheaper than the French Company, were we at liberty so to do, we should by their means get the Trade from the Company who could not carry it on with the far Indians any more than us but by the means of these private traders; but if we were to be restrain'd therefrom then the private traders would be forced to go to the Canada Company & so throw this trade wholly into their hands; so employing the French private Traders by us dos not turn the Trade into the hands of the French Kingdom, this cou'd only be done by carrying it to the Canada Company, but employing these traders secures the trade to us as the only way to keep it out of the hands of the Company.—That the Western Indians alone are not sufficient to supply what Furs we could take off, besides that the Northern are the better, & skins are particularly known by their goodness—That the Nations conquer'd by our Five Nations beyond the Falls of Niagara, which is between Cataraqui or Lake Ontario & Lake Erie, may be interrupted by the French from commerce with us—That the great price for Strouds now at Montreal dos not proceed from the scarcity of them there, but is the price the Company set on their private traders since these Acts of N. York & by reason of them.—That the Affidavit of M^{r} Groesbeck proves that there are Strouds made by the French themselves, which are known by a difference in the make.—And in respect to the voyage to Canada, thô they should have but one return in a year, they may then carry sufficient for their purpose.—That in an assortment for the Indians, Strouds is but a small part thereof, & six or seven per cent. alteration on that particular commodity will make but a very inconsiderable difference upon the whole—That M^{r} Leheup has not answer'd as to the Quantity of Beaver usually sent to Holland, which ought to be added to the Acco^{t} of our Imports—To shew the Demand we have had for beaver some of the Manufacturers acquainted the Board that 800 dousen of Hats, whereof great part were beaver, were sent at once to Leghorn about three years ago, and 100 dousen by one person, all beaver, to the Spanish West Indies; and that the present advanc'd price of beaver they judg'd to be from

our not having it from the French private traders who can only supply us with the Quantities We usually had.—M^r^ Sharpe then proceeded in reply to the Suggestion that the French might bring us beaver if we sent them only what are called Christian goods, or such as are not in demand for the Indians whereupon he said That if the French Traders have not goods from us proper for the Indians they cannot bring us their beaver—That as to these Acts not being within the meaning of the Governor's Instructions relating to Acts which affect the Trade & Navigation of this kingdom he apprehended the diverting the Indian Trade of New York from its old to a new channel, might be said to affect the Trade of this Kingdom, and as to the 23^d^ & 24^th^ Articles of the Governors said Instructions relating to Trade with the French, he submitted the same to the consideration of the Board—In relation to the Oaths, he said that the Act imposing them was so drawn that it was not easy to be understood who were the persons imploy'd to discover the clandestine Trad, & that the Merchants & Factors would undergo any penalties rather than take the said Oaths—That they never contended that the Governor had any part of the forfeitures laid by the said Acts, but that all the goods found in such clandestine trade were forfeited to the Informer.—That the said Acts were directly contrary to the Laws of Great Britain, & that it was not fit to encourage Oaths of this nature which lay men under such great temptations to perjury—In conclusion of what had been offer'd M^r^ Sharpe said he was instructed by all the New York Merchants here & likewise the Dealers & Manufacturers of Furs, to assure their Lordships upon their strictest credit, that they firmly believ'd if the said Acts were continued, the New York Trade was undone, and therefore to pray their Lordships would please speedily to lay the said three Acts before His Majesty to be repeal'd, as well as to report what they shall judge proper upon the said Merchants Petition referr'd to them.

Order'd that Brigad^r^ Hunter be acquainted that their Lordships desire to speak with him to morrow morning

R. PLÛMER

Governor Burnet to the Lords of Trade.

[New-York Papers, Dd., 4.]

New York 12^th^ May 1725

My Lords.

I am extremely mortified to find by my Accounts from England that your Lordships are displeased at my printing Your Lordships Minute and Report, concerning the Indian Trade. I am sensible that it was a piece of Indiscretion to do it, before I had obtained Your leave, and I hope Your Lordships will excuse it the rather because of the Provocation that so many unjustifiable Assertions of the Merchants gave me at that time; so that I thought of nothing so much as of exposing them here first, where the facts are well known: and such publication I apprehended would be the strongest proof at home, that the whole Country here were witnesses against them. I wish I had confined myself to their Petition and the answer of the Council here, which I humbly conceive would have given no offence. I hope Your Lordships will not upon an Error of this kind alter the favourable protection you have hitherto granted

me, and I can undertake on my part that I will never give Your Lordships the like occasion again.

It will be of the utmost importance to the Success of this new trade and to keep the Assembly firm in their conduct to support it, to obtain some Determination in favour of our proceedings, before the next Sessions of Assembly here are over, which will be held in September and October next, and therefore I beg Your Lordships to give me that Encouragement in such manner as you shall judge most effectual.

I have enclosed Mr Popple the Naval Officer's Accounts for this Port, from the 29th of September 1724 to the 25th of March 1725. And am with great Respect, My Lords,

Your Lordships most obliged
and most dutifull humble Servant
W. Burnet.

Further Proceedings of the Lords of Trade on the New-York Indian Trade Acts.

[Journal XXXV., 156, 7.]

Whitehall, Thursday, May 13th 1725.

At a Meeting of His Majesty's Commissrs for Trade & Plantatns

PRESENT— Mr Chetwynd Mr Pelham
Mr Doeminique Mr Bladen
Mr Plûmer.

N. York Brigadr Hunter, late Governor of New York & New Jersey attending as he had been desir'd, their Lordships had some discourse with him in relation to the three Acts pass'd at New York in 1720, 1722 & 1724, for preventing the selling of Indian Goods to the French, & desir'd he would let their Lordships know his opinion concerning them, whereupon he acquainted their Lordships that he conceiv'd, the said Acts were of Great use, as they kept the five Nations of Indians bordering upon New York, firm to the English Interest, and as in the end it would be a means to draw over several other Nations of Indians to the same Interest, since they would not be supplied with those goods they are in want of, so cheap as from the English—That in a few years Mont Real (one of the French Settlements) would be intirely deserted, that place being wholly subsisted by trading with N. York and selling the Goods bought from thence, to the Indians;—That as for Strouds, which is the chief commodity the Indians are in want of, he was very well inform'd, that the French could not make them themselves, & that all the Strouds the French sold to the Indians, had before been purchas'd of the English, & that he himself had seen English Strouds brought from Quebec;—That during the time he was Governor, the Five Nations of Indians had sollicited him to pass an Act to the same purpose, & assur'd him that without it some other Nations of Indians would be lost from the English Interest.

Governor Burnet to the Duke of Newcastle.

[New-York Papers (S. P. O.), No. 7, p. 113.]

New York 15th May 1725.

My Lord.

I had the honour of Your Grace's letter of the 9th Oct^{r} last, with the enclosed copys of a letter from the Commissioners of forfeited Estates to your Grace, and of a memorial from M^{r} Rochead to the Comss^{rs}, complaining of several hardships which he has suffered for being their factor, with a second letter from the Commss^{rs} to me upon the same subject.

I had writ to the Commss^{rs} before on this subject, but though the mistake of my agent in London M^{r} Le Heup, that letter was not delivered, of which I enclose a copy as also of a memorial that was then made to me by M^{r} Drummond, shewing the insufficiency of M^{r} Rocheads claim—

I have now without delay required the chief Justice's and M^{r} Alexander's answers to so much of M^{r} Rocheads memorial as concerns them both which I take the liberty to transmit to Your Grace, with a second letter to the Commissioners, of which I likewise trouble Your Grace with a copy—

The Allegations in these answers are proved by the authentick papers and depositions, which I have transmitted to M^{r} Peter le Heup, to be laid before your Grace in order to be examined by any persons and at what time Your Grace shall think fit to order.

I should be under the greatest concern imaginable, if there had been that remissness and misbehaviour in the Officers of this Govern^{t}, complained of to Your Grace and laid before His Maj^{ty}; and I should have deserved his Maj$^{ty's}$ displeasure had I suffered such abuses, without timely interposing to stop them. But I can safely assure your Grace, that it will appear to a demonstration from these papers, that the complaint is altogether groundless. That there are no lands in New Jersey belonging to John Cameron who was forfeited, but that those lands were conveyed by Thomas Cox of London to his Father Sir Eugenius Cameron and his heirs and assigns. That Sir Eugenius some years after the Rebellion conveyed them to his Grandson Donald Cameron. That the complainants brother John Rochead did his utmost endevour in Scotland in 1720, to buy these lands of the said Donald Cameron, and finding himself disappointed, came into this Country and publicly discredited the title of the lawfull purchasers M^{r} Evan Drummond and M^{r} James Alexander, two years before this factory was sent over, by which it appears, that he procured this factory from the Commss^{rs} merely to screen himself from making reparation for the injuries he had already done to private persons—

I have further enquired into the Grounds of prosecuting the complainant upon his saying that King William was now suffering in hell on account of the affair of Darien—And both M^{r} Kennedy the Kings Receiver General here, whom M^{r} Rochead unjustly asperses with the character of a professed Atheist, and M^{r} Henderson a creditable merchant here, who were the witnesses, have confirmed to me the truth of M^{r} Rochead's having spoken words to that effect, for which I believe Your Grace will think it was no crime to present him to the Grand jury, who out of compassion, and believing the words were the effect of heat and rashness more, than malice, dismissed the Bill, as M^{r} Duane a Goldsmith who was one of them, has lately assured me. This is the true state of that whole matter in which I can discover no fault at all, but in the Rocheads themselves, and I am surprised that the Commss^{rs} should so readily upon the bare allegations of a Person who had solicited to be their factor, believe that

there was neither justice nor Loyalty in this Govern^{t}, than which with humble submission nothing can be more groundless—I am so sure that upon a strict examination Your Grace will justify my opinion in this matter, that I depend on Your Grace's justice and generosity in representing this matter to His Majesty, in such a light as will take of all suspicions of his being ill served in this province, as has been insinuated: and that, if the Commss^{rs} have made any report to Parliament where this matter is stated in the light in which their factor has put it: I beg Your Grace will have the goodness to cause the papers now transmitted with the Authentick papers in M^{r} Le Heup's hands to be laid before one of the houses of Parliament, to be inquired into by a Committee, that innocent persons may be vindicated, and unjust aspertions entirely defaced.

I have been informed that M^{r} Ingolsby had made application against my humble request to your Grace, in my letter of the 21. Nov^{r} last, that he might be ordered to his post of both Adjutant and Lieut^{t} in this Garrison: and that he had produced a letter from Capt^{n} Symes, his uncle, where it was said that I was very easy at his stay. I have upon this account, which comes from M^{r} Ingolsby himself, enquired of his uncle, how he could write to that effect in his letters, he assured me, that it was a year and a half ago, since he writ in that maner, and that he could not with any truth have writ so later than that time. It is true that so long ago upon M^{r} Ingolsby's writing to his uncle, that he had great hopes by solliciting My Lord Cadogan, to obtain powder and stores for this Garrison, which I have long in vain applied for, I did acquiesce in his staying a while longer upon that account, but when I understood there was no probability at all of success and that M^{r} Ingolsby would signify nothing in the affair—I was not pleased with having been so amused, and thought it high time to desire an Officers attendance who has been now above three years absent from a double post, where his attendance is very much wanted; for which reason I hope Your Grace will be pleased to grant my humble request, and obtain His Maj^{ties} express orders to him to repair hither without delay

I depend on Your Graces protection in all my proceedings, which shall appear justifiable and if any complaints are made against me, which it is impossible always to foresee, I make no doubt, but Your Grace will suspend Your Opinion till they can be transmitted to me, and my answers returned which I hope will be always satisfactory from, My Lord

Your Grace's

Most dutiful and most obliged humble servant

(signed). W Burnet.

P. S. Not knowing where the Commiss^{rs} and Trustees for forfeited estates reside at present, I have been obliged to leave the direction of my letter to them, to be filled up by your Grace's orders.—

Representation of the Lords of Trade on the New-York Indian Trade Acts.

[New-York Entries, K., 366.]

To their Excellencies the Lords Justices

May it please your Excellencies;

Pursuant to his Majesty's Order in Council, of the 30 April 1724; We did some time since consider the humble Petition & Rep^{n} of Sam^{l} Baker & others in behalf of themselve & the rest of the Persons concern'd in the New York Trade complaining of an Act pass'd in New York the 19 of Nov: 1720 Entituled An Act for the encouragement of the Indian trade & rendering it more beneficial to the inhabitants of this Province and for prohibiting the selling of Indian goods to the French, Whereupon we humbly represented to his Majesty by our report bearing date the 14 day of July last that being doubtful of some of the Facts alledg'd by the merchants and considering how far the British trade might be affected by this Act on the one hand, and the Security & interest of his Majesty's Colonies in America on the other we humbly proposed to his Majesty that no directions should be sent to New York upon the subject matter of this Act till M^{r} Burnet should have been acquainted with the objections of the Merchants thereto And his answer & observations received thereupon And his Majesty having been graciously pleased to approve our proposal by his order in Council dated the 23 July 1724 We sent M^{r} Burnet a copy of the said memorial together with extracts of what had been alledged by the merchants or their Sol^{r} before us relating to the s^{d} Act.

On the 19 day of Dec^{r} last we received a letter from M^{r} Burnet together with a report of a committee of the Council held at New York the 6 of Nov: 1724, in answer to the said mem^{l} & allegations of the Merchants which report together with a copy of the s^{d} memorial a copy of his Majestys order in Council of the 30 of April 1724, an extract of the minutes of our Board of the 7 July 1724, a copy of our former report dated July the 14. 1724, and a memorial concerning the Fur Trade of New York written by Cadwallader Colden, Surveyor Gen^{l} of that Province & one of his Majesty's Council there with a Map of the Country of the five Indian Nations neighbouring upon New York are all contain'd in a book printed at New York, which we take leave to annex hereunto, that the whole proceedings upon this matter may be before your Excellencies

Since the receipt of these papers from New York we have heard what the Merchants had further to alledge against this Act, as likewise against two others to the same effect pass'd in New York since that first complain'd of that is to say the 6 day of July 1722, and on the 24 day of July 1724, whereupon we humbly beg leave to represent to your Excellencies

That the Merchants did agree that sev^{l} of the tracts in their mem^{l}; chiefly with respect to the situation of the Indian Nations & the maner of trading with them were not truely stated They did likewise agree that sev^{l} of the facts stated in the report of the Cômittee of Council of New York, in answer to their mem^{l} are true but notwithstanding this, they endeavour'd to prove that the prohibition of Commerce with the French was detrimental to the intrest of Great Britain & to that of New York likewise by arguments chiefly drawn from the exports & imports since the passing of these Acts and from the present increase in the price of Bever both in New York and in Great Britain

But for your Excellencies clearer information herein we beg leave to insert a general state of the Imports & Exports to & from New York for three years immediately preceding & for

three years immediately following the first of these Acts, as likewise a particular account of furs imported from New York for the same time

Amount of the value of Imports and Exports from and to New-York; for the three years from 1717 *to* 1720.

Imports	£	s	d	Exports.	£	s	d
From 1717 to 1718.	27,331.	12.	1	From 1717 to 1718.	62,966.	16.	3
From 1718 to 1719.	19,596.	6.	5	From 1718 to 1719.	56,355.	3.	9
From 1719 to 1720.	16,836.	12.	7	From 1719 to 1720.	37,397.	19.	5
Total Imports	63,764.	11.	1	Total Exports	156,719.	19.	5
Medium	21,254.	17.	0¼	Medium	52,239.	19.	9½

The like account, from 1720 *to* 1723.

	£	s	d		£	s	d
From 1720 to 1721.	15,681.	4.	5	From 1720 to 1721.	50,788.	10.	6
From 1721 to 1722.	19,564.	15.	4	From 1721 to 1722.	57,889.	15.	10
From 1722 to 1723.	28,518.	12.	6	From 1722 to 1723.	54,838.	9.	8
Total Imports	63,764.	12.	3	Total Exports	163,516.	16.	0
Medium	21,254.	17.	5	Medium	54,505.	12.	0

	£	s	d
Total Export of the three last Years	163,516.	16.	0
Total Export for the three preceding Years	156,719.	19.	5
Exceeded in the Total Exports of the three last Years	6,796.	16.	7
Which at a Medium has been an Añual encrease in y^e^ Exports	2,265.	12.	2¼

An Account of the Value of Furrs imported from New York for Six Years, from 1717 *to* 1723.

	£	s	d		£	s	d
From 1717 to 1718.	10,704.	3.	11	From 1720 to 1721.	6,659.	4.	11
From 1718 to 1719.	7,138.	2.	5	From 1721 to 1722.	7,045.	3.	10
From 1719 to 1720.	7,487.	16.	5	From 1722 to 1723.	8,833.	5.	4
	25,330.	2.	9		22,537.	14.	1
Total of the three last years.	22,537.	14.	1				
Excess of the three first years.	2,792.	8.	8				
Medium	930.	16.	2½				

By the Gen^l^ account of Imports and Exports from and to New York your Excellencies will perceive that since the passing these Acts there has been an increase in the Exports from Great Britain And altho it appears by the particular Account of furs imported from New York, that fewer furs have been imported in the three Years since the passing the s^d^ Act than in the three years before it, Yet it is observable that the importation of furs does already gradually increase & probably will continue to do so and no just conclusion can be drawn from an accidental diminution in the infancy of a trade so lately put in a new Chañel

But it must be further observ'd with relation to this last Acc[t] that till March 1722, bever was not made an enumerated cômodity & the merchants do averr that before that time considerable quantities of bever were annually exported directly from New York to foreign parts from whence they conclude that if credit were to be taken for these furs, the increase of the balance of importation for three years preceding the Act in question wou'd appear to be much greater than it does now But as no acc[ts] can be had of these exportations to foreign parts, this is demanding Credit for an uncertainty, besides great part of this foreign Exportation if such there has been, may have fallen upon the first & second years immediately subsequent to the first of these Acts, which took place the latter end of Nov: 1719 whereas bever was not made an enumerated cômodity as has been already observed till the 25 of March 1722.

It was affirmed by the merchants & not deny'd by the persons attending in behalf of the Council and Assembly of New York, that the price of furs in that Province has increased since the prohibition of comerce with the french and the traders in furs in Great Britain do averr that the price of bever in Great Britain is likewise increased since the passing of these Acts

As to the increase of the price in New York it may very naturally be owing to the Great encouragement the traders in New York are willing to give the Indians in order to bring them over from the french interest, and as to the increase of the price in Great Britain that can hardly be owing to the diminution in y[e] imports from New York for altho fewer furs have been imported from New York of late, yet it is pretty remarkable that the importation of furs from Hudsons Bay during that time has been very greatly increased

But as this matter has been so long & so strenuously contested since facts very material have been possitively affirm'd & as possitively deny'd We thought it our duty in a matter of this consequence to acquire the clearest lights We possibly could & therefore we have discover'd[1] with Brig[r] Hunter late Gov[r] of New York & New Jersey concerning the Acts complained of And he has inform'd us that he conceives them to be highly necessary for the support of the British interest in America, in as much as they contribute to the keeping of the five Indian Nations firmly attached to us, and that this prohibition of Cômerce with the French may draw over sev[l] other Nations of Indians to us because they cannot be supply'd with the goods in greatest demand with them so cheap from the French as from the English; that in consequence of this prohibition Montreal a considerable French settlement would in all likelyhood soon be deserted, that place subsisting only by the trade with Albany & selling the Goods bought from thence to the Indians, Brig[r] Hunter further informed us, that as to Strouds which is the chief cômodity the Indians are in want of he was very well assured the French were not able to make them & that all the Strouds the French sold to the Indians were purchased of the English; he likewise assured us that during the time he was Gov[r] of New York the five Nations of Indians who are the main support of the British interest in those parts being sensible that this trade gave the French opportunities of seducing & drawing away their people from them they had solicited him to pass an Act to prohibit this cômerce and indeed it were absurd to imagine that the legislature of any Province shou'd obstinately pursue a Scheme for so many years together, without a thorough conviction of the utility that would result from the same to their own Country at least and so much the rather because some of the principal traders in New York are members of the Cômittee of Council who sign'd the Report, of which a printed copy is hereunto annex'd and therefore we have all

[1] discours'd — Ed.

imaginable reason to believe that this prohibition of Commerce may prove very advantagious to the British interest in America, And certain it is that a law of this kind under proper restrictions is perfectly agreable to the Gen[l] Tenor of his Majesty's instructions to his Governor of New York.

However it is certain the Acts in question are lyable to great objections not arising from the design of the law, but from the methods prescribed for the execution thereof.

There is an Oath impos'd upon all Traders whereby they are obliged to accuse themselves or else to be under the greatest temptation to perjury.

There is likewise a clause in the 2[d] of these Acts whereby every person refusing to take this Oath when tender'd altho' he has never been accus'd either upon oath or otherwise, of any breach of the laws, is to be judged convict of having traded with the subjects of the French King contrary to the intent & meaning of the foremention'd Act, is subjected to the payment of £100 Curr[t] Mony of that Province & is lyable to be immediately cômitted to the Cômon Goal untill the said £100 be paid.

These penalties are very severe but what is still more grievous, the execution thereof, as the last of these Acts is worded may some times fall to the share of a Serg[t] Corporal or Cômon Soldier.

For these reasons therefore, altho' these Acts will expire in Nov: next, unless renewed before that time by the Assembly of New York, We are entirely of opinion that they ought to be repealed But that so good a design may not discouraged and a door again open'd to a trade with the French in those parts we would humbly propose to your Excellencies that M[r] Burnet His Majesty Gov[r] of New York should be instructed to repeal the said Acts, or any other since pass'd for the continuance of them, by a New Act of the Assembly of that Province whereby proper encouragements may be given to this New Channel of Trade and the abovementiond objections to which these Acts are lyable avoided

All which is most humbly submitted

WESTMORLAND
P. DOEMINIQUE
M. BLADEN
EDW[d] ASHE
R. PLÛMER

Whitehall
June 16. 1725.

Secretary Popple to Governor Burnet.

[New-York Entries, K., 380.]

To W[m] Burnet Esq:

Sir,

My Lords Cômiss[rs] for Trade & Plantations taking notice that several of his Majesty's Governors in America, do not punctually comply with His Majesty's Instructions which require them to send their Lords[ps] copies of Publick Papers, Acc[ts] of Publick Money and all proceedings for their Information: I am therefore Commanded by their Lords[ps] to desire that

you wou'd supply what has been deficient in any accounts already transmitted and for the future be more exact & particular in answering your instructions especially under the following heads Vizt

Accounts of the Receipts & payments of all publick mony & especially of Quit Rents, Fines, Forfeitures, & Escheats.

Numbers of Planters & Inhabitants & Accounts of Christning, Burials &c

Acc^{t} of Ordnance Stores, Arms, all Sorts of Stores of War and a State of the Forts.

A Map of each Province & Acc^{t} of the Strength &c of your Neighbours.

Account of all Establishments of all Courts Patent Officers & their Deputies.

The Wants & defects of each Province.

Of all which their Lordships have had no Account from you for either of your Gov^{ts} since your arrival at New York, nor have they received any Minutes of Assembly of New York since those ending the 6 of July 1723, nor any Minutes of Council between the said 6 of July 1723, and the 8 of October 1724 for that Province. I am

Sir

Your most obedient

Whitehall humble Servant

Oct^{r} 1. 1725. A Popple

Governor Burnet to the Duke of Newcastle.

[New-York Papers (S. P. O.), No. 7. p. 116.]

New York 17. November 1725.

My Lord.

I have had the honour of Your Graces letter of the 3rd of June last, and am very glad to find that my endevours to be serviceable to the people of Boston, in their war with the Indians and to encourage a trade between our inhabitants and the Far nations of Indians have been agreable to His Majesty. I shall use my utmost diligence to observe your Grace's directions in regulating the dealings of our people with the Indians, and doing them justice upon their complaint which indeed has always made a considerable part of my business with them.

But while I am doing my utmost to encrease our correspondence with the Indians, and to draw them from their dependance on Canada, I cannot but complain of the great pains taken by the Merchants in London animated by their correspondents from hence, to defeat so good purposes. I have so fully informed Your Grace formerly upon this head that I will not presume to tire you with repetitions, but only observe that in fact the only argument that the Merchants made use of with any colour, against our Acts of Assembly to forbid the trade with Canada for goods proper for the Indians, has failed them entirely this last year, for they alleged that the price of Beaver being very high in London shewed the great detriment these acts were of to that branch of trade, and that the quantityes of that comodity imported into England from hence were very much lessened as well as the quantity of goods sent from England hither. Now My Lord, The fact is this year that the price of Beaver is fallen considerably in London and that never more Beaver went from this province to England nor

more goods imported from England hither then this year, and this the Merchants will not nor cannot deny, and yet those acts continue in full force, and as the Merchants have already in their hearing before the Lords of Trade confessed their mistake as to all their arguments taken from the scituation of the Indians, I do not know of any one pretence that is now left them, to support their application against those acts, which however they are so indefatigable as to have renewed before the privy Council and in which I hope your Grace will be convinced that they deserve no encouragement.

I am very proud of the good opinion Your Grace expresses of my manner of correspondence and of the regard Your Grace shews to my recommendations, and I shall not fail in dutifully observing your Graces caution to me to be careful in recommending none but deserving persons, and to shew no regard to party distinctions, unless I discover who are friends, and who are enemies to His Majesty's interest, whom I doubt not that your Grace would have me always distinguish.

I have carefuly considered that part of Your Graces letter which relates to Mr Walpole's office of Auditor General, and have the satisfaction to assure Your Grace, that the principal part of what has been complained of, has been redressed near two years ago, for since that time the whole current revenue has been accounted for yearly and all the arrears since 1715. to the Auditor General's deputy and he has received the five per cent for it, and for all these arrears which perquisites have not amounted to less, then two thousand five hundred pounds, at the rate of five per cent, and in this I believe his deputy has done me that justice to represent how great pains I have taken, and how much I have raised the displeasure of the Assembly by insisting on it and carrying it through. All that remains in dispute is the arrears between the year 1709 and 1715. in which time there was no revenue raised but after a long intervall Brigadeer Hunter obtained his own usual sallary for the time elapsed among many other debts of the Colony, for the payment of which the Assembly then past an act. These arrears remain to be accounted for in the hands of the late Treasurer who has been for three years deprived of his senses and reason is kept close. This makes the difficulty, in which I have desired the Auditor's deputy to tell me what he wants my assistance for, which I am ready to give, and he told me he must take the course of the law with the late Treasurer or his family, and that all that he desired of me is to recommend it to the Attorny General and the chief Justice, for dispatch, which I have done and shall continue to do, as often as there shall be occasion —

This Mr Walpole's deputy has promised me to inform him of, and that has nothing has been wanting on my part to serve him. It is true the Assembly has voted, that they will save the late Treasurer and his family harmless from any prosecution they may incur upon this account, but their vote can raise no money alone, and I shall never concur with them in any act to that effect. So that I have already done and shall do all that in me lyes to serve Mr Walpole and of this [his] deputy is convinced, I must confess that my doing my duty in supporting the Auditor's demand has very much lessened my interest with the assembly and particularly with the newly elected members, who have been the chief promoters of all these votes and resolutions to oppose the Auditor's claim, which convinces me that the expedient proposed four years ago by the deputy Auditor to disolve the Assembly would have made the opposition still stronger since it would have then consisited cheifly of men of the same interest with those who have lately been chosen into the vacancys that have happened and who have been the warmest against the Auditors rights; (it being become a popular topick) and who have now lately opposed the continuance of the revenue for the term of five years as it was

before, and would only have given it for two years, and would at the same time have lessened the sum by six or seven hundred pounds a year, both which I thought it derogatory to His Majᵗʸˢ interest to consent to and have therefore prorogued the Assembly till next spring that I may again endevour to prevail with them to provide a revenue as before, but if their animosity should go so far upon account of my defending His Majᵗʸˢ prerogative as to provide no revenue at all, tho' my own sufferings should be so great by that means. I will never be remiss in doing my duty as long as I have the honour to serve His Majesty.—

I humbly thank your Grace for sending Mʳ Ingoldsby to his post who is arrived; and I hear Mʳ Riggs is in London.

I have writ to Mʳ Walpole to inform him of the present state of the affair concerning which I have your Grace's commands—

I am with the greatest respect
My Lord
Your Grace's most dutiful and most
obedient humble servant
(signed). W Burnet.

Governor Burnet to the Lords of Trade.

[New-York Papers, Dd., 1.]

New York. 24ᵗʰ Novʳ 1725.

My Lords.

I have been informed of the favourable Report which Your Lordships were pleased to make relating to the Acts prohibiting trade with Canada, for which I return my most humble thanks.

The Merchants have this Year totally failed in the only plausible Argument they employed against those Acts, which was that the Beaver Trade from this place must suffer by it, since the price of Beaver was risen in England. Now, my Lords, the price of beaver is considerably fallen this year in England and yet these Acts are still in force and are just now renewed 'till the end of the next Sessions by the Assembly, so that their own argument turns against them.

But in fact never more Beaver went home in a year from this place to England than this present year, nor were ever more goods imported hither from thence which has been occasioned by the great trade carried on by our people with the Indians upon the side of Lake Ontario.

The Merchants indeed in this place have not been able to prevent the continuing of these Acts, but they have exerted themselves to the utmost in opposing the continuance of the support of Government for five years, as before, and as they have always opposed a Revenue they have now prevailed with the Assembly to offer it only for two years, and with a very considerable lessening in the sum to be yearly provided. So that I was obliged to put an end to this Sessions and to leave the consideration of that Affair till next spring, at which time I have good assurances that the members will be disposed to do things in a handsomer manner.

The Acts passed here this Sessions which ended only a few days ago, not being yet Engrossed, I defer giving Your Lordships an account of them till another opportunity and am now to acquaint Your Lordships with the Proceedings of the last Sessions of Assembly in the New Jerseys, where the publick business was carried on, with the most unanimity that I ever knew. There were six Acts past there, of which the principal was

1st An Act for the support of the Government of His Majesty's Province of New Jersey for five years to commence the 23d day of Septr 1725, and to end the 23d day of Septr 1730.

This Act is in most respects the same with that formerly enacted in 1720 except that it makes more ample provision for the Revenue than before, so that the Officers of the Government have all of them considerable additions to their Salarys. What enabled the Assembly to do this without laying more burthen of taxes on the people, was the late Act for striking Bills of Credit, by which means there was a Sum clearly gained by the Province by way of Interest, for the first five years amounting to 1321 pounds which has been applyed to increase the support of the Government, it being sufficient for the sinking of the Bills of credit within the time limited if the principal as it is to be paid in be cancelled and sunk, which has been punctually performed for the first year.

2ndly An Act to lay a Duty on wheat, meal and staves and heading of all Sorts, and bolts whereof Staves and heading may or can be made.

This Act is intended to encourage the Manufacture of the grain and timber of the province among themselves, so that the wheat may be ground and bolted before it is exported, and the Casks of different sizes made within the Province. This Act was formerly past in Brigadier Hunter's time, and afterwards repealed at the Desire of the people, but now they think it again for their Interest in the Eastern Division, thô the Western Declined its being extended to their Division.

3rdly An Act to ascertain the size of Casks and the standard of Weights and Measures, and to impower the Justices of the Peace at their quarter sessions to appoint packers for packing provisions at the most convenient landings in each respective county within this Province. This Act is exactly like one past for this purpose in New York; and will be of use to encourage the Fair Trade and prevent indirect practises which not only are an imposition upon the people of the Province but bring a Discredit upon their Trade in the West Indies whither they Ship off their provisions.

4thly An Act for the better Regulation of Elections and laying a penalty on all Officers and other persons whatsoever that shall by indirect practices endeavour to obtain any Election contrary to the rights, liberties and priviledges of the people; and the true intent and meaning of this Act.

There was but too much ground given for this Act by the conduct of the Sheriff of Burlington in favouring Coll. Cox, against a Quaker that opposed him, by keeping the Poll open for a fortnight and adjourning it without the consent of the other candidate to the edge of the county, as all this was done without even my knowledge much less my direction, the Assembly had no difference at all with me about it, but altogether among themselves where the Quaker interest and the contrary party are nearly equal. But the partiality was so visible that they agreed to provide a Remedy against the like for the future by this Act.

5thly An Act concerning the Appointment of Commissioners of the Loan Office and concerning the sinking of four thousand pounds of Bills of Credit.

There was in Inconveniency found in my not being able to direct a new Commissioner to be chosen in case of death or resignation without my coming into the Province and calling a Council which in the Winter is often very difficult, which is remedyed by this Act.

The Mahner of sinking the four thousand pounds applyed to the immediate support of the Government by the Act for making the Bills of Credit, had been Directed to be done only when the Assembly should sit, which not happening every year, it was thought that too great a sum would lye too long by that means in the Treasurer's hands, which this Act remedyes by directing those Bills to be sunk before the Governor and Council, tho' the Assembly be not sitting.

6^{thly} An Act prescribing the forms of Declaration of Fidelity, Abjuration, and Affirmation instead of the forms heretofore required in such cases. This Act relates wholly to the Quakers and is the same to those who bear Office and serve on Jury's as the former Acts were, but as to other persons it gives them the same Affirmation which was appointed by the last Act of Parliament in their favour.

I have herewith enclosed to M^{r} Popple these Acts engrossed in parchment under the Seal of the Province, together with the Minutes of Council for the said Province commencing the 20th of April 1724 and ending the 23 of August 1725, and with the Navall Officer's Accounts from East New Jersey from the 29th of September 1724 to the 25th of June 1725 and a Printed Copy of the said Acts of Assembly and of their Votes. I have likewise enclosed the Navall Officer's Accounts for New York, from the 25th of March 1725 to the 29 of September 1725.

By the death of M^{r} Thomas Byerly there is a Vacancy in the Council of New York to supply which I beg leave to recommend to Your Lordships M^{r} Archibald Kennedy his Majesty's Receiver General and Collector of the Customs for the province of New York, which I hope Your Lordships will please to represent favourably to his Majesty in order to his Appointment. I depend on the continuance of Your Lordships favour and protection to,

My Lords,

Your Lordships most obliged
and most dutifull humble Servant
W. Burnet.

Mr. George Clarke to Mr. Walpole.

[New-York Papers (S. P. O.), No. 7, 121.]

New York Nov^{r} 24th 1725.

Sir.

The choice the Assembly have made of M^{r} Philips to be their speaker in the room of M^{r} Livingston, and the choice the Counties have made of some new members in the room of some of the old ones who are dead have given a great turn to the Councils of that house, for tho' they are heartily resolved to support His Maj$^{ty's}$ Government, yet the Governour does by no means approve of the manner. The assembly say that the Tonnage of vessels has very much diminished the trade of the place by keeping all our neighbours from coming

hither as they used to do, and has opened a door to a more pernicious practice of running goods from the neighbouring Colonies particularly from Jersey, where there being no such imposition those vessels now go, to save their tonnage, and the Merchants from thence run their goods which they would not attempt did those vessells come hither, there being but half the duty on a direct importation of those commodities that pay double if they are imported from any other place then that of their growth ettc. wherefore the Assembly resolved to take of the Tonnage duty, from the expiration of the present revenue which will be next July, and the duty on salt and Molasses which fall the heaviest on the poorer people and in lieu thereof to give a poll tax on negros which the rich will chiefly pay, equivalent to the duties they take of and this they would give for two years continuing all other duties as they now are, at the same time resolving to strike off a hundred pounds a year from the Chief Justices sallary, to take away the second Judges entirely as an Officer more for shew then for use and to lay aside some of the Officers of the revenue; on these resolves the Gov^{r} prorogued them for two or three days to give them an opportunity of taking other measures telling them that in duty to his Maj^{ty} and in justice to His own conduct he could not agree to a less provision nor to a shorter term than was established on his arrival here, but the Assembly's disinclination to depart from those resolutions mentioned, and the season of the year disposed the Governour to adjourn them till the spring; thus ended this sitting and it is believed the Gov^{rs} conduct had raised this spirit that is like to be troublesome to him, for no sooner was M^{r} de Lancey a Merchant of the greatest account, and the most leading man in the province, and who has sate in most Assemblys for above twenty years, returned for the City of New York, and sent by the house with some of their members to the Governour to be sworn as Customary, then that the Governour questioned the legality of his qualification to sit as a member of that house refusing to give him the oaths until he should have the Chief Justices opinion upon it which he afterwards sent to the house who unanimously resolved that he was qualified and accordingly sent him again to the Gov^{r} who then swore him, this procedure, tho' it produced no sharp resolves, the house stomached very much looking upon it as a great innovation of their rights and privileges and an unprecedented presumption in the Chief Justice one of the Members of their house to judge solely of the Qualifications of another of their members; but this is not all, some of the members, who before had no other sentiments then those which the Gov^{r} thought fit to give them, gave readily into the resolves mentioned about the revenue which so awakened his Excellencies apprehensions, that he sent for them, reproached them with ingratitude for the honours he had conferred on them in their counties, and threatned to strip them of 'em again, but this had an effect contrary to his expectations, some of them telling him they would lay down their commissions, and all in general resenting the threatment they had received.—

In this situation of affairs the Govern^{r} condescended to speak to me to try my interest with my friends in the house, at the same time shewing me the Duke of Newcastles letter about the late Treat and telling me that he would inform his Grace that all the interest he has lost in the Assembly has been by his adhering so strenuously to the Kings pleasure concerning your office, and that even now my friends in the house were for entering into some resolves against it; this mixture of requests and threatnings a little surprised me, but well knowing that I had always acted upon a principle of honour without regard to personal disobligations and that if need be, my friends in the Assembly would testify for me, I told his Excell^{cy} that it had been always my practice on every occassion to perswade the members of the Assembly

that it was both, their duty and their interest to support the Govern^{t}, that I had done it frequently this very session applying myself in the best manner I could to the different tempers of those with whom I conversed and that I should never cease to be active therein, from hence his Excell^{cy} descended to particulars, first as to the two years, then as to the Chief Justice ettc and lastly as to the officers under the Collector of the revenue, on the first he was very positive not to recede from his demand of five years. I wish't with all my heart he might bring them up to it, in which my poor endevours shall not be wanting but prayed him if he found it impracticable, to consider whether it would not be more for his Maj$^{ty's}$ service to take it for two years, then not to have it at all, that, Brigadeer Hunter after the first five years had taken it of this present Assembly for one year and that the Assemblys had never yet kept to any determinate number of years but his Excell^{cy} said he would go another way to work, that he would call them together every spring and fall till had gained that point and that then whatever deficiencies there should be or whatever arrears due to him and the Officers under him, the Assembly must provide for them, for he was resolved not to disolve this Assembly having observed that no sooner one of his friends dyed, then that one of his Enemies was elected in his own room, who were very active in forming a party against him in the house— I asked him if these new members had not received some personal disobligations from him, and whether it would not be better to try to regain them, He knew nothing of that, or if he did, they ought not on that score to oppose him, I owned that I thought it wrong for men to oppose, what was recommended, out of personal resentment, but till they were divested of their passions, it would be difficult to reason them into those sentiments, however that I would receive his Excell$^{cy's}$ directions in what manner he should think fit to make use of me. Accordingly I have talked with my friends, especially the leading men whom I find immoveable in some things, but I hope I have prevailed with them to allow another Officer under the Collector, this his Excell^{cy} is pleased with and what else I can do I will very heartily—

Amidst these Jarrs I am highly pleased to find that (notwithstanding what was told me) none of my friends have proposed or awakened any resolves against your Office, on the contrary some of the Gov^{rs} fast friends in the Assembly this very sitting proposed or at least discoursed some of my friends about entering into some resolves against it, but my friends discountenanced it, saying that that affair is gone too far already to be altered, and that they would not meddle any further in it, whereby a stop is for this time put to their attempts, and I dare affirm that the Gov^{r} never lost one friend in the Assembly for his obeying the Kings orders, with relation to your office, and if they had not been fed at first with the hopes of success they would never have gone the lengths they have—

The Gov^{r} is very uneasy at the orders you were pleased to give me concerning his warrants and the quit rents, and has commanded me to give the state of the case that he may represent it to the Treasury, this I have done, it being nothing, but a relation in what manner the quit rents have always been drawn out of the Receiver's hands, his Excell^{cy} would have had me join in the representation but I excused myself by telling him I dared not, that my addresses must be only to you and that I would lay before you the substance of what I gave to him, and that you have [it] already in my petition to the Lords of the Treasury.

He tels me likewise that M^{r} Livingston has obtained commission for his son to be agent for the Indian Affairs and Clerk of the City and County of Albany with a salary of a hundred pounds a year out of the Quit rents and has commanded me to ask you whether as your Deputy I am to allow it without a warrant from him there being none from the King, he complains of that Salary as a thing unreasonable and which old Livingston himself actually

promised and engaged to the Assembly never to ask or insist on for the future, in consideration of the money they gave him in the last long Bill past in 1717 and that the Assembly now very much dislike this allowance in his present Commission having had hopes, that the quit rents would have been applyed to the relief of those Officers of the Govern^{t} for whom they have made but short or no provision out of the Revenue or those whose services may deserve some further reward, this I mention to You Sir as he bid me, without inquiring into the reasons of it, which, it may be, are because when Speaker he rather made shew of then did his Excell^{cy} any signal services, for even this very session he has attempted to get his son in law appointed Treasurer, and that now he has no manner of interest in the house and therefore probably may never come to the Assembly again having besides that his age and infirmities to excuse him—

I asked the judge of the Admiralty if he and the surveyor General and Attorney General intended to petition for an allowance of their salarys out of the quit rents, he answered me, no, that he never expected it would be allowed and that he told the Gov^{r} so when he first established it, but that if M^{r} Kennedy wanted him to join in a petition for the allowance of the warrants already paid he would.

The Treasurer has not yet got his last year account ready, having been very busy during the last sitting of the Assembly and by reason that the executors of Coll. Provoost deceased the late Tonnage Officer having had some warr^{ts} which he payd in his life time which must in that account be accounted for, but that now he would soon get them ready to be Audited; I have acquainted the Gov^{r} with it who tells me he believes it is no feigned excuse, so that I must wait some time longer.

I beg leave again humbly to to implore your Excell^{cys} goodness to me not only for the King's warrant for my salary and incidents for the future but likewise for the arrears thereof for the times mentioned in my petition which M^{r} Kennedy will by the spring have money enough to pay, and I doubt not the same generous motive that prevailed with you to do the one will likewise prevail with you to think the other as reasonable and that you will not let me be so great a sufferer (as I must be if I have it not) when it is in your power to relieve me.

I humbly recomend myself to your protection and am with a most grateful heart and the highest honour.

Sir

Your Excellencys

Most humble and most obedient servant,

(signed) G W Clarke.

Under-Secretary Delafaye to Governor Burnet.

[New-York Papers (S. P. O.), No. 7, p. 130.]

Extract of M^{r} Delafaye's letter to Gov^{r} Burnet dated Whitehall Dec^{r} 6th 1725.

I do not in the least doubt of your kind disposition to serve M^{r} Walpole, and shall endevour to persuade him of it; I hope My Lord Duke of Newcastle's letter to you upon

that subject will be of use to you in facilitating the bringing your good intentions to effect; for by communicating to your Friends the contents of it, they will be convinced that the Ministry is very much in earnest in that matter, and will be induced to exert their influence and credit to have it settled in such manner as may be aggreable to Justice and acceptable here; and I should be glad that you might have an opportunity thereby of laying under an obligation to you a Gentleman who besides his near relation to the first Commissioner of the Treasury, has a very great share of personal interest and merit having managed with more than usual abilities and success, and intirely to the King's Satisfaction some negociations of the greatest nicety and importance—I have written to him to use his influence, which is very considerable at the French court to have such a Governour appointed of their settlements in your parts as may not tread in the steps of his predecessors by giving under hand disturbance to our plantations, but may act agreably to the intire union and harmony now subsisting between the two Crowns—I wish our own people may not in some measure be the aggressors by dealing unjustly or roughly with the Indians, for I doubt our planters are too apt to over value themselves, and to imagine those Creatures are not to be treated as rational beings like themselves.—

Governor Burnet to the Lords of Trade.

[New-York Papers, Dd., 5.]

New York. 24th Decr 1725.

My Lords,

I had not the honour of receiving Your Lordships letter of the 4th of May 'till the 11th of this month by a Vessell called the Eagle Snow commanded by Captain Bloom who left London on the 30th September last. Where your Lordships letter was mislaid all that while, whether at the Post Office or elsewhere, I humbly submit to Your Lordships Enquiry, since if the like should happen upon occasions of importance it may be a great disservice to His Majesty's Affairs. I have Already made my apology to your Lordships for having printed the papers relating to the Canada Trade, I shall be very carefull not to do any thing of that kind for the future in Obedience to your commands. I humbly thank Your Lordships for having obtained Mr Philip Livingston to be appointed of the Council, whose warrant has been transmitted to me by my Agent, and he has been admitted.

I am now to give Your Lordships an account of the Acts past here in November last, which were three publick and one private.

1st An Act appointing Commissioners to let to farm the Excise of strong liquors in the Citys and Countys of this Province.

The Duty of Excise was granted from 1714 to 1734, but it having been let to Farmers who after three years gave it up, there was a necessity of appointing Commissioners to manage it, or of letting it fall into the hands of the justices of the peace, according to the first Act, which the Assembly are not willing should happen, and therefore they give from time to time past Acts of this kind, which have been but for a short term as this, being to Expire in two years.

2ndly An Act for continuing Bills of Credit struck and issued, in the year one thousand seven hundred & twenty, to the Value of five thousand Ounces of plate, to be current untill the first of July, which will be in the year one thousand, seven hundred and twenty seven.

This was a charge upon the Revenue, which being found deficient, this Act is to take off that load, with a design to provide for it in the next Act, for support, which I expect the Assembly will do in the Spring, in a better manner than they would have done this fall, of which I informed Your Lordships in my last, of which I enclose a Duplicate.

3dly An Act to revive and continue the several Acts therein mention'd, relating to the prohibiting of selling Indian Goods to the French, and for promoting the Trade with the remote Nations of Indians during the time therein mentioned, and for the Recovery of such Penaltys as are directed by the said Acts.

This Act is to continue only till the end of the next Sessions of Assembly before which time, which will be in June next, it is hoped that His Majesty's final determination about the former Acts will arrive, and then such an Act may be prepared as shall answer the Instructions I shall receive about that Affair; In the mean time therefore I thought there was no better Expedient than a bare continuance of the former Acts; And to shew the usefullness of those Acts I herewith transmit to Your Lordships an account of the number of vessells arrived here from Great Britain and of the quantitys of merchandizes imported in those Vessels, as also an Account of the Beaver and other Skins exported from henec to Great Britain during this year from X^{r} 1724 to X^{r} 1725 both which Articles of import and export are more considerable than in any of the former 8 years of which I sent Your Lordships the like Accounts to Christmas 1724, 4 of those years being before any such laws to prohibit the Trade to Canada, and 4 of them since some of those laws took place. By this Your Lordships will see the only pretended Argument of the Merchants the damage these Acts have done to Trade, entirely confuted.

4thly An Act for the discharging a certain Recognizance entered into by Goosen van Schaick, late of the City of Albany, Merchant, deceased.

This is a private Act in favour of one that had trespassed against the Acts to prohibit the Trade to Canada, but as he was the least culpable of any, and had made only an attempt, but had not got any Profit by that Trade, and was lately dead leaving a Widow with severall small childrens in very indifferent circumstances, the Assembly were inclined to releive them, which I thought very reasonable.

I have herewith transmitted these four Acts engrossed on parchment and sealed with the Seal of the Province to M^{r} Popple, together with a printed copy of the three publick ones and the printed Votes of this Sessions, together with the Minutes of Council from the 18th of May 1725 to the 10th of November last.

I depend on the continuance of Your Lordships favour and protection and am with great respect, My Lords,

Your Lordships' most obliged
and most dutifull humble Servant
W. Burnet.

Imports and Exports at the Port of New-York for the year 1725.

[New-York Papers, Dd., 7.]

An Account of the Number of Ships and other Vessells, and Also of the several packages of European Goods imported therein from Great Britain and Ireland into the District of New York in America as by the Report Books and Entries at the Custom House of said New York within the time specified therewith. Viz^{t}

The time of the Vessels Entry Inwards	Their Number	THE PACKAGES OF THE EUROPEAN GOODS																		From What place.
		Woolen—bales & Trusses	Linen—Cases&Boxes.	Silks—Trunks	Hhbry, &c—Hhds & Casks	Calicos—Packs	Cordage—Quoils	Earthn Ware—Crates	Glass Ware—Cases	Bottles—Groce	Iron & Steel—Bars	Cole—Chaldns	Tiles & Bricks—M.	Grindstones & Millstones—Numbrs	Lead—Pigs & Bars	Chalk—Tons	Iron—Tons	Junk & Ocham—Tons	Salt—Bushels	
	8.	504	462	275	656	353	128	....	....	....	2249	20	....	711	164	....	....	....	...	London
Between	7.	279	120	7	1026	183	45	295	....	25	265	8	¾	102	190	....	....	1¼	¾M	Bristol
Xmas Ano	3.	....	203	....	27	182	....	....	300	....	1457	2½	50	4	....	....	....	2	....	Cowes
1724	2.	5	19	....	19	16	....	70	....	....	....	....	....	....	....	....	....	....	1¾M.	Liverpool
And Xmas	1.	10	4	....	1	....	....	....	....	....	....	....	....	....	....	....	....	....	....	Weymouth
Ano 1725	1.	....	46	....	9	63	....	....	200	....	209	....	....	2	....	....	....	½	....	Dover
	1.	8	....	....	6	....	....	....	....	....	....	....	....	....	....	....	2	....	....	Lancastr & Cork.
Total Imports	23	806	854	282	1744	797	173	365	500	25	4180	30½	50¾	819	354	....	2	3¾	5½	

An Account of the Quantity of Beaver and other Furs with Deer Skins &c from the District of New York in America to Great Britain, by the Report Books at the Custom House of said New York, from the Date of the last Account of such before and after passing the Act of General Assembly for the encouragement of the Indian Trade &c to the Date specified as followeth.

The Time of the Export.	FURS WITH DEER SKINS			ELK SKINS.	To What Place
	Cases	Hhd & Casks	Packs	Number	
	47	273	62	.....	London
From 21 Novr 1724	10	25	6	.....	Bristol
to 23 Decr 1725	13	7	19	3	Cowes.
Total Export.....	70	305	87	3	

N. B. That Besides the quantity of Beaver &c wrought up for hatts and furnished the People of this Province, some Parcels thereof in three Cases and sixteen Boxes as appears by the Books of Entries in the Office have bin Manufactured for Others on Account of the Trade to the West Indies and Neighbouring Provinces.

Examined & Compared by

R^{d} Elliston.

Custom House, New York.
24 Decemb^{r} 1725.

Governor Burnet to the Duke of Newcastle.

[New-York Papers (S. P. O.), No 7, p. 184.]

New York 2nd June 1726.

My Lord.

I have received two Commissions to confirm two of the Lieutenants whom I had recommended to Your Grace, and one besides appointing Lieutenant Thomas Smyth in the room of the third whom I had recommended, but I hear nothing of this last Lieutenants preparing to come to his post, tho' he has obtained the favour to get his Commission antedated to the very day of the decease of his predecessor, by this means Lieutenant Walter Butler whom I had appointed and recommended and put upon the musterolls[1] will have no pay at all for the attendance he has given, and yet I was bound by my duty to appoint one to act in the mean while that the service might not suffer.

I hope your Grace will think it reasonable that since Lieut[n] Smyth has had now a full years pay already, he should not be excused any longer from doing his duty.

Two companys to one of which he belongs are upon the fronteer near the French and the Indians and there are three out-garrisons that have a lieutenant and twenty men a piece, besides the main Garrison at Albany, which consists of one hundred and forty men and where there are now but two Lieutenants so that M[r] Smyth is very much wanted to do duty and to take his turn in relieving the out-garrisons, and therefore I humbly intreat Your Grace that he may be ordered to repair forthwith to his post.

I send enclosed to your Grace my letter of this date to the Lords of trade in answer to several querys lately sent to me by their secretary to which I shall give more compleat answers as soon as I can get in, the accounts from the officers of these Govern[ts]

The Assembly at New York have raised a new support of Govern[t] for three years to come, which was the most that it was possible to obtain from them. The funds which they have provided, will I fear also prove deficient, but I must endevour to get these deficiencies supplyed from time to time.

The Acts prohibit the trade to Canada being all expired, the Assembly has taken another method for to encourage the trade with the Indians and descourage that to Canada, by lying a single duty upon the former and a double duty upon the latter. This method will be more punctually executed then the laws before in being, and therefore I hope more effectual tho' less severe.

When the sessions shall be over, and the laws ready to be transmitted I shall give your Grace a further account of them, and in the mean time—

I am with the greatest respect
My Lord
Your Grace's most dutifull
and most obedient humble servant
(signed). W Burnet.

[1] Walter Butler was appointed Lieutenant of Fuzileers, *vice* John Scott deceased, on the 16th August, 1726. *New-York Commissions*, III., 274. — Ed.

Governor Burnet to Under-Secretary Stanyan.

[New-York Papers (S. P. O.), No. 7, p. 183,]

New York 2nd June 1726.

Sir.

Tho' I have not had the satisfaction of a continued correspondence with you, yet I am perswaded you remember your friends so well as to serve them when an opportunity offers. I have lately heard that a new Lieut[t] has been appointed in the room of one that I recommended to His Grace ; but he has not writ to me himself, nor can I hear that he makes any preparation to come to his post, so that I have writ to His Grace to give him orders to come hither forthwith, which I desire you would lay before His Grace as soon as may be, and get the proper orders to him. His name is Thomas Smyth, as M[r] Arnold certifyes and his Commission is dated back to the day of the death of his predecessor in June 1725, so that an Officer whom I had appointed in the mean time can receive no pay at all, which I think something hard. But all I have to desire is that upon another occasion my recommendations may be speedily layd before His Grace, that I may not have somebody step between and disappoint me, for a great part of my influence here over the Officers depends on their expectations to be recommended to rise in their turns, which is but reasonable since they are not in the way to solicit for any thing else as other officers are at home.

I shall be very much obliged to you if you please to forward my recommendation to His Grace, on this occasion, and any other that may offer, being very heartily

Sir

Your most obedient humble servant

(signed). W Burnet.

Governor Burnet to the Lords of Trade.

[New-York Papers, Dd., 21.]

New York. 2[d] June. 1726.

My Lords.

On the 23[d] of May last I received a letter from M[r] Popple dated 1[st] October 1725 containing Your Lordships' commands to me to be more punctual in sending Copys of publick papers, publick accounts, and all proceedings for Your Lordships information according to my Instructions, upon the several heads following to each of which I will make what answer I can on so short notice.

The first head is *Accounts of Receipts and Payments of all publick monys and especially of Quit Rents, Fines and forfeitures and Escheats.*

I had heard that the accounts yearly transmitted to the Lords of the Treasury would be accepted as a Sufficient compliance with my Instructions on that head, but since I have received Your Lordships' commands I have directed the Treasurer to prepare an account of the Revenue from 1721 when he entered on his Office, his father who was Treasurer before him being lunatick and now incapable of rendring any account, and signing and attesting it.

I have likewise required the present Receiver General to give me an account of the Quit Rents since his Entry into his Office in 1722, the former Receiver General Mr Byerly being dead. I cannot get any proper account for his time. I have likewise ordered the Escheater to give me an account of the Escheats during my time.

As to the fines and forfeitures they have always remained in the Sheriffs hands, and they never have rendred any Accounts, but have always paid themselves for their services on the King's Account out of these fines and forfeitures, and as they have generally a Ballance due from the King to them, which there is no fund to satisfy, they never have accounted.

When I go into New Jersey which will be in the month I will require the like accounts from the Treasurers of that Province all which I will send as soon as I can obtain them.

The second head is the Number of planters and *Inhabitants and Accounts of Christnings and Burials &c.* I had the honour to transmit to your Lordships an account taken by the Sheriffs of the several Countys of all the Inhabitants of the Province of New York, in my letter of the 16th Decr 1723, where, if search be made, I question not but it will be found. I will prepare the like abstract of the same accounts and send it by the next opportunity.

I would have then ordered the like accounts to be taken in New Jersey but I was advised that it might make the people uneasy, they being generally of a New England Extraction and thereby Enthusiasts: and that they would take it for a Repetition of the same sin that David committed in numbering the people and might bring on the like Judgments. This notion put me off from it at that time, but since Your Lordships require it I will give the orders to the Sheriffs, that it may be done as soon as may be.

As to accounts of Christnings and Burials I dont find they have ever been kept regularly, and it would be extremely difficult to bring it to bear, for here in New York, there are not Church of England Ministers in half of the Countys of the Province, And there are many Dutch and some French and some dissenting Ministers that baptise and bury, some of which keep no account, as I have been told, and others that perhaps do and understand no English.

In New Jersey there are few Church of England Ministers, several dissenting Ministers who keep no accounts and many Quakers who are never baptised so that such an Account would be no true Estimate of the people there.

The third head is *Account of Ordinance Stores arms, all sorts of Stores of War and a State of the Forts*

I have directed the Store keeper here to prepare such an account for this place, and I shall give the same orders to the out Garrisons.

The fourth head is *a Map of each Province, and an account of the strength &c of Your Neighbours.*

I have long ago directed the Surveyor General of this Province to make out such a Map as my Instructions require, but the imperfect Drafts left in his hands by his predecessor of the Old Surveys have hitherto hindred him to compleat it as it ought to be, but I have now given him fresh directions to go about it with all dispatch; As to New Jersey I shall give the same Directions to the Surveyor of that Province, but I fear his particular Drafts of Old Surveys are still more imperfect.

As to the strength &c of our Neighbours I have often given Your Lordships the fullest account I could of the state of the French and the Indians and I shall continue so to do for the time to come.

The fifth head is *Accounts of Establishment of all Courts, patent Offices and their Deputys.*

I know of no New Courts or Offices erected since my arrival, so that I apprehended that Your Lordships were fully informed on this head, when such Courts and Offices were established. But I shall make it my business to give Your Lordships on Account of them as they now stand.

The Sixth head is *the Wants and Defects of each Province.*

This I have done from time to time and shall continue to do according to my best apprehension, which however I hope Your Lordships will interpret favourably.

As to the Minutes of Assembly for New York since the 6th July 1723 which Mr. Popple informs me are not arrived, and the *Minutes of Council* between the said 6th July 1723 and the 8th of October 1724 for New York which he likewise misses. I can assure Your Lordships that I sent them both in one packet with my letter of the 21st of November 1824 which I am perswaded arrived safe, So that I am of opinion these papers are only mislaid, but since they are missing I have ordered the Deputy Secretary to make out a second copy of the Minutes of Council, and shall send with them a printed copy of the Minutes of Assembly for 1724. I have last fall with my letter to Your Lordships of the 24th of November 1725 enclosed to Mr Popple the Acts of New Jersey on parchment, with the Seal, passed in August 1725, and the Minutes of Council of that Province commencing the 26th of April 1724, and ending the 23d of August 1725 with a printed copy of the Votes of that Sessions; and on the 24th of December 1725 I transmitted to him the Acts of Assembly past in New York, on parchment, with the Seal, together with the Minutes of Council from the 13th of May 1725 to the 10th of November 1725 which I hope are safely arrived, and of which I daily expect an account from Mr Popple.

I have met the Assembly here this Spring, and they are now ready to break up. I could not obtain of them a new support for longer than three years nor is it sufficient by 3 or 400 a year to defray all the usuall charges of Government, but it was necessary to take as much as could be got at this time, because the Old Revenue expires on the 13th of this very month and I must make it my bussiness to get them to supply the deficiencies as they fall out from year to year.

As to the Acts to prohibit the Trade to Canada and to encourage the trade with the far Indians I found the former Laws were so ill put in execution by the people of Albany's screening and concealing one another, that I have thought it best to come into a new method to attain the same end, which is by laying a Duty of thirty shillings on every peice of Strouds which is to be carryed to Canada, and only fifteen on what is to go to the side of the Lake Ontario. These Dutys will be effectually Rais'd and will make a difference, but I found that the Old laws would not have signifyed anything if the Oath had been made less severe, as I have been informed Your Lordships reported it ought to be.

When the Session is ended and the Acts are engrossed I shall transmit them to Your Lordships with a fuller account. I am with great respect,

My Lords, Your Lordships' most dutifull
and most obedient humble Servant
W. Burnet

New York, June 25th 1726.

My Lords.

I have herewith enclosed to Your Lordships the account of the Inhabitants of New York taken in 1723[1] and the Account of Escheats during my time in pursuance of Your Lordships

[1] See *ante*, p. 702. — Ed.

commands, and I have now transmitted to Mr Popple the Navall Officers' Accounts for New York from the 29th Septr 1725 to the 25th March last, and the Minutes of Council which were missing from the 18th of July 1723 to the 1st of October 1724, as I did by the last opportunity the Minutes of Assembly for 1724 which were likewise missing, tho both had been carefully sent by me before, and the packet enclosing them delivered. I shall continue to send to Your Lordships what you required by Your late order as fast as I can get in the Accounts from the Officers. I am with great respect,

My Lords,

Your Lordships most dutifull
and most obedient humble Servant
W. Burnet.

Lords of Trade to Governor Burnet.

[New-York Entries, K., 384.]

To Wm Burnet Esq:

Sir,

Since our letter to you of the 4 of May 1725, we have received yours of the 12 of the same Month, of the 24 of Nov: & of 24 Dec: last with the several Acts & other Publick Papers therein mention'd

We observe by your letters that you have not alter'd your opinion with respect to the several Acts pass'd at New York for preventing the selling of Indian goods to the French and if the great increase you mention in your letter of the 24 of Nov: both of the exportation of Beaver from New York to England & of the importation of European goods from hence thither occasion'd by the great trade carry'd on by the inhabitants of New York with the Indians upon the side of the Lake Ontario be the effects of the said Acts it is to be hoped they may answer the design in passing them, by bringing over other Nations of Indians to the interest of N. York & by causing that trade formerly carry'd on between the French of Canada & the Indians for European commodities to center in N. York: But upon comparing the several Accounts of furrs exported, transmitted with your letters of the 21 Nov: 1724 & 24 of Decr 1725 with those which we have receiv'd from the Custom House here, of the same time we find a difference which we are not able to ascertain as our Secry will more fully explain to you

We find by your letter of the 24 Nov: last that you have been inform'd of the subject matter of our Report to his Majesty upon these Acts, upon which there has been as yet no resolution taken.

His Majesty upon our recomendation has been pleased to appoint Mr Arch: Kennedy to be of the Council of N. York instead of Mr Thos Byerly deceased.

We have no accts in our office from N: York & N. Jersey of the number of Negroes, that have been annually imported there either by the African Company or by the separate Traders and therefore we desire that you will send us by the first opportunity as perfect an

account as you can get, of the Negroes inported yearly distinguishing those imported by the African Company from those imported by others, for as long a space of time backwards as you can; and we desire that for the future a regular acc^{t} of the same may be annually sent to us. So we bid yon heartily farewell and are

Your very loving Friends
& humble Servants
WESTMORLAND
T. PELHAM
M. BLADEN
R. PLÛMER
J. HOBART

Whitehall
June 24, 1726

P. S.

As letters from the Gov^{rs} of His Majesty's Plantations as well as the papers referr'd to in their letters, do frequently miscarry you are desir'd for the future to take notice in the body or postcript of all your letters, by whom you send them and by the next conveyance constantly to send duplicates of your last letter & of the papers enclosed therein that it may be known for the future to whose neglect the loss of letters is to be imputed.

Secretary Popple to Governor Burnet.

[New-York Entries, K., 388.]

To W^{m} Burnet Esq:

Sir

In the enclosed letter from my L^{ds} Com^{rs} for Trade & Plant^{ns} their Lord^{sps} are pleas'd to referr you to me for an explanation of the difference their Lords^{ps} have found between the sev^{l} Accounts of furrs exported from N. York which was transmitted with your letters to the Board of the 21 of Nov: 1724 and of the 24 of Dec: 1725, And the acc^{ts} of furrs received from the Custom house here for the same time whereupon I am cômanded to acquaint you, that upon comparing the sev^{l} acc^{ts} of furrs exported since the passing of the Acts for preventing the selling of Indian goods to the French transmitted hither by your aforemention'd letters, the exportation appears to have gradually decreased and that this last Acc^{t} from Nov: 1724 to Dec^{r} 1725, is the only account whereby the furr trade appears to have encreased in quantity equal to any of y^{e} four years before the passing these Acts, except the year 1720, the least of the four

However as it appears from the Accounts my Lords have had from the Custom house of the value of the furrs & skins enter'd as imported from N. York for six years from 1717 to 1723 inclusive, that the three years preceeding the Act in question are larger than those of the three following years. Yet it appears by the s^{d} accounts that the importation of furs & skins in y^{e} three last years has gradually increas'd whereas by your acc^{t} it appears gradually to have decreased this difference in the acc^{ts} of furrs & skins for the same term of years may be occasion'd by your having sent an account of Cases, Hogsheads Casks and Packs without either

the number or value of the different species of those goods, whereas in our acc^{ts} from the Custom house there is the true number under one cômon valuation of each sort, and as it may probably be that the Custom house acc^{ts} & your acc^{ts} for the same time might tally were the value & number of the furrs & skins contain'd in the Cases Hogheads, Casks & Packs ascertain'd I am to desire, that your Acc^{ts} of furrs & skins exported may be kept in the same manner as that of the Custom house here, a copy of which you have enclosed for your information

I am

Sir

your most obedient

Whitehall humble Servant

June 24. 1726. A. Popple

Governor Burnet to the Lords of Trade.

[New-York Papers, Dd., 12.]

New York. 14th October 1726

My Lords,

I now transmit to Your Lordships the Acts of Assembly passed in New York on the 17th of June last which are all engrossed on parchment and enclosed in the cover to M^{r} Popple, and are in number 16 publick Acts and 4 private ones as follows.

An Act granting to his Majesty the Dutys and Taxes therein mentioned for supporting his Government of New York from July the 1st 1726 to July 1st 1729.

This Act has not all the Dutys that were laid on Merchandize by the former Acts for support of Government, but it contains a land Tax of 1200^{lb} a year in lieu of them which will be deficient in answering the usual charges of Government, unless I comply with their resolves of lessening the Salary, of the Officers of the Government, which the Council and myself are by no means inclined to do, so that I must endeavour to get this deficiency supplyed as I have formerly done when it begins to be considerable.

2^{ndly} An Act to lay different dutys on the goods therein mentioned and for regulating the Indian Trade in the City of Albany for the term of two Years and moderating and ascertaining the Fines incurred by former Acts, if paid within the time limited.

The combination of the people of Albany evade the laws prohibiting the trade to Canada and to screen one another from being discovered in their illegal practises made me think it better to have a high duty layed which would effectually be levyed on that trade, than to continue a severer law which was so generally eluded. Besides I was informed that Your Lordships had some Objections to the Severity of the Oath, and the manner of tendering of it, And yet I could find no way but such an Oath so to be Administered that could make the former law effectual. So that I came to an Agreement with the people of Albany to have a double duty laid on the trade to Canada, and a single one on that to the Westward, that so the one might have double the charge of the other. This was the best expedient I could at present use for continuing the encouragement of the Trade directly with the Indians, which

flourishes every year more and more, as I shall inform Your Lordships more particularly when I come to send Your Lordships an Account of my late transactions with the Six Nations at Albany in September last.

3^{dly} An Act for discharging a Debt to the late Agents for this Colony at the Court of Great Britain, for finishing and compleating the buildings in His Majesty's Fort George, for borrowing certain sums for these purposes and for laying a Tax to make good such parts thereof as stand appropriated to particular uses.

This was to pay a debt of Seven hundred pounds for the several occasions mentioned, and there being some mony lying in the Treasurer's hands not yet wanted for the uses for which it was appropriated it was thought the easyest way to avoid a present increase of taxes to borrow that mony now and to repay it 3 years hence.

4^{thly} An Act to enable the Mayor, Aldermen and commonalty of the City of Albany to pay for the Materials and Workmanship of two Blockhouses. These are the fortifying that City, which is the frontier of that Province to the Northward, and these Blockhouses with the others that were built before carry a communication with one another, or with the Fort there all round the City, which with a Palisado between them make a fortification sufficient against a surprize.

5^{thly} An Act to prevent Damages done by swine in the neighbourhood of Saractoga.

6^{thly} An Act for reviving an Act to prevent small Stallions running at large and to geld all horses under the size therein mentioned, and for continuing an Act to prevent Tenants and others from trespassing on lands, and from doing other enormitys hurtfull to the growing plantations of Orange and Ulster, and for laying out and maintaining a high road within the same.

7^{thly} An Act to enable the Justices of the Peace of the City and County of Albany who reside within the township of Schenectady to build Stocks and pounds and for defraying some extraordinary charges during the time therein mentioned

8^{thly} An Act for the more effectual preservation and increase of Deer on the Island of Nassau.

9^{thly} An Act to prevent the Setting on Fire or burning the Old grass on Hempstead Plains.

10^{thly} An Act to provide able Pilots at Sandyhook and for the port of New York.

11^{thly} An Act for the further continuing the Currency of Bills of credit struck and issued in the year 1720 to the value of 5000 ounces of plate until the first of July which will be in 1728.

This was necessary to be done because the Funds were deficient for the support of Government given in 1720, and these Bills of credit were a further load upon the same funds, and the taxes being already considerable the Assembly could not be prevailed on to sink these Bills forthwith, and therefore there was no way left but to postpone that to another time.

12^{thly} An Act for reviving an Act for encouraging the returning of neat Cattle and Sheep to their owners.

13^{thly} An Act for reviving an Act for regulating the Ferry betwixt the City of New York, and the Island Nassau.

14^{thly} An Act to continue an Act for the further laying out, regulating and better clearing publick highways, in the County of Suffolk, for the time therein mentioned.

15^{thly} An Act to continue an Act for Regulating slaves and to subject such persons as trade with them to a presentment and prosecution.

16^{thly} An Act for the further continuing an Act for the Encouragement of Whaling.

The 4 Private Bills are

1st For the Disposing of the estate of Walter Dongan &c for to pay Creditors.

2ndly To enable Thomas Hicks to sell an Entailed Estate.

Both these had Notice given according to my late Instructions as will appear by the Council Book before they passed the Assembly.

3rdly An Act to grant to Louis Hector De Langloiserie the Sole Fishery of porpoises for ten years.

4thly A Naturalization Act.

When the Assembly had ended their business I thought it proper to dissolve them, because they had not now granted his Majesty's Revenue in so ample and honourable manner as they had done formerly. Besides they had subsisted during the term of eleven years, and I found it would highly please people to have a new choice which has accordingly been made, and the new assembly has met on the 27th of last month. I send Your Lordships my speech to them, and their Address in Answer to it and when they have finished the Session I shall give Your Lordships an account of their proceeding by the first Opportunity.

There has been no Session of the Assembly held in New Jersey this year, but early in the Spring I am to meet them.

I enclose Mr Popple besides the Authentick Acts, a printed copy of them and another of the Votes of last Sessions and the written Minutes of Council, from the 16 December 1725 to the 29 September last, and the Navall Officers accounts for Perth Amboy in New Jersey from the 24th of June 1725 to the 24th June 1726. I am with great respect,

My Lords,

Your Lordships most obliged
and most obedient Servant
W. Burnet.

Endorsed

Recd Decr 4th } 1726.
Read Ditto 8th }

Governor Burnet to the Lords of Trade.

[New-York Papers, Dd., 14.]

New York. Decr 4th 1726.

My Lords.

I am now to lay before Your Lordships my transactions with the Indians in September last. The cheif subject of them, was the fortification the French have lately made at Niagara. As soon as I heard of that Undertaking I wrote to Mr Longueil, Commander in Chief in Canada upon the death of their late Governor General Mr De Vaudreuil,[1] and complained of it as a breach of the 15th Article of the treaty of Utrecht, a copy of which letter I enclosed to Your Lordships, together with his Answer, both in French as they were written. At the same time I summoned the Six Nations to meet me at Albany as soon as the Season would permit them to travel so far, that I might enquire into the bottom of this affair, and find out how far they had consented to it, which it will appear by their first conference with me, that the Onnondages alone had done, and that they were not the owners of that land, and that they as

[1] Philip de Rigaud, Marquis de Vaudreuil, died at Quebec on the 10th of October, 1725. — Ed.

well as the Rest were fully sensible of the damage which that post might do them, by stopping the passage between their habitations and their hunting Country, which lyes between the three lakes Ontario, Erie and Huron, as they are called in the French Maps, and by hindring the far Indians to pass and repass freely on account of trade.

I thought that on this occasion it was proper to remind our Indians of the ill treatment they had always met with from the French, and having lately seen a History of North America, published by Authority in France, which contains a Journal of the Transactions with all the Indians on this Continent, I thought it best to make use of it to shew the Indians what accounts the French give of their own Proceedings and Designs with relation to them; I have set down the title of this book in the margin of my publick conference with them, and have referred to the places out of which I have taken the facts, which I thought proper to mention to the six nations, and have likewise set down the names given by the French Maps to those Nations, whom our Indians call as I have named them in the body of my speech.

As I had informed Myself in a private conference with two Chiefs of each Nation of all that had passed between them and the French, and if their present Sentiments as Your Lordships will find by the first conference, I thought it proper to shew them in publick how the Treaty was broken, and how it concerned them, and by that means give them an opportunity of protesting publick against it, which they have done very fully, and have implored His Majesties powerfull Interposition with the French King, that this Fort may be demolished by the French, and have desired me to write in the most pressing manner to obtain this from His Majesty, which I have promised them to do, as appears by the second conference, and the Indians answer, and therefore I must beg Your Lordships to take the enclosed conferences into Your serious consideration, and that you will be pleased to make a full Representation of this Encroachment of the French, to His Majesty, in order that strong Instances may be made to the Court of France for a Redress.

Your Lordships will observe that I have undertaken for this, which I thought I might lawfully do, but that I have not offered to undertake for the success, for nothing has had a worse effect with our Indians, than promising and not performing, they remember exactly what is told them from time to time, and have often complained that they have not been supported according to our promises, with I fear too much truth and reason.

It will give them Very disadvantagious impressions of our strength and inclination to protect them, if they find that the French may do what they please, and that we give them no relief, and can obtain no redress for them, which makes me depend on Your Lordships' goodness in stating their case so as to obtain what they desire, and what so highly concerns the British Interest.

When I had closed my publick conference with them I found that the fear they were in of the French, and the hopes they had of our protection, made it a fit time to perswade them to do more than ever was obtained of them before, which was to surrender and submit all the land they live in, by an Instrument signed and sealed, to His Majesty.

The Maquase and Oneydes live nearest to us, and do not reach to the French lake, and therefore there was no occasion to mention the matter to them, and if I had proposed it publickly to them, it might soon have been known by the French, and have produced some new enterprize of theirs, so that I thought it best to do it with a few of the cheif and most trusty of the three nations who border upon the lakes, and accordingly I have obtained such a Deed of which I send Your Lordships a Copy.

When I returned from Albany and met the new Assembly here, I represented to them the Danger of the French Encroachments and the necessity of our preventing their going on with them, by taking post our selves on the Lake side at the mouth of the Onnondaga River, to secure our trade there from any surprize, and to protect the Indians upon occasion, for which service they have provided three hundred pounds, and with that I am early in the Spring to build a Fort of Stockadoes at that place, and to provide it with an Officer and twenty men. When this is done and we are fixt there, I intend to meet the Indians again, and then to get them all publickly to confirm the Instrument which some of them have signed, which I have no reason to doubt of their doing.

I cannot quit this Subject without observing to Your Lordships what Regard the French in Canada shew to the Treaty which is visible by Mons^{r} De Longueil's Letter, The Treaty says, *The five Nations or Cantons of Indians, subject to the Dominion of Great Britain.* M^{r} De Longueil denys it expressly and says "*Les cinq Nations qui ne sont ny vos Sujets ny les Notres.*" *The five Nations who are neither your Subjects nor ours.*

The treaty says *The Natives of those Countrys shall with the same liberty resort as they please to the British or French Colonies, for promoting trade on one side or the other, without any Molestation or hindrance, either on the part of the British Subjects or the French.*

And I accordingly in the beginning of my letter charged him with building a Fort at Niagara, with a design to *hem in the Five Nations and to hinder the other Indians to pass freely to trade with us as they used to do.* In his Answer he repeats this whole charge of mine over, and only denys his design *to hem in the five Nations*, but says nothing against the other part of my charge, which however is equally against the Treaty.

This is only a slight Instance how little their conduct here is conformable to their Engagements, but they are continually making use of all their art to set the Indians against us, even for those very reasons which should make the French do quite the contrary, for since the news is come of the late alliance between the two Crowns, they have filled the Indians' minds with fears that orders will come from both Crowns to their Governours to cutt off the five Nations and divide their land between us, and such Reports are they perpetually spreading, that it is absolutely necessary that something should be done to convince them that they shall be protected and never abandoned to the French.

As I was preparing these Dispatches to be sent by the Old Beaver, Mathew Smith Master, I received Your Lordships' letter of the 24th of June last, relating to New York, and of the 28th of June last relating to New Jersey, with the enclosed papers which I shall have the honour to answer by the next Opportunity.

I have enclosed Copys of the Conference with the Indians, of their Deed of Surrender of their lands, and of my letter to M^{r} De Longueil, and his answer, all which will I hope give Your Lordships all the information that is wanting on that subject; I have not yet obtained the several Accounts which M^{r} Popple by Your Lordships' order, had formerly demanded of me, but I shall be able to send some of them by the next Vessell.

I am with great respect, My Lords,
Your Lordships' most dutifull
and most obliged humble Servant
W. Burnet.

P. S. I have sent a Map herewith wherein the Names of Places mention'd in the Indian Deed of Surrender are mark't in red ink.

Endorsed
Rec'd Jânry 6th } 172$\frac{6}{7}$
Read d° 10th }

Conference between Governor Burnet and the Indians.

[New-York Papers, Dd., 15.]

At a Conference between His Excell: William Burnet Esqr Capt. General & Govr in Cheif of the Province of New York, New Jersey &c And two Sachims of each of the Six Nations, named the Maquase, Oneydes, Tuscaroras, Onnondages, Cayouges & Sinnekes In Albany, the 7th day of Septr 1726.—

PRESENT— His Excell. William Burnet Esqr &c.
Lewis Morris Esqr Chief Justice
Capt Cornwell
Capt Norris
Ph. Livingston
Henry Holland
Peter Van Brugh
John Cuyler
Evert Banker
John Collins
Henry Renselaer
} Esqrs Côms of the Indian Affairs.

His Excellency told the said Sachims that before he spoke to them in publick he had desired to meet two Sachims of each Nation, that they might acquaint him with what has passed in their Country since he was here last, and that he was informed that the French are building a Fort at Niagara, and wants to know whether they have given their consent to it, and expects to hear from them the truth of all what has passed between them and the French in relation to that Building or Settlement at Niagara. The said Sachims answered by Ajewachtha an Onnondage their Speaker.

Brother Corlaer

You acquainted us yesterday that two of each of our Nations should meet you, according to your Desire are we come; You told us that you would ask us some news that you had heard that the French were making a Fort at Niagara, that we should tell you the truth what has pass'd between us and the French about that Building, whether one Nation or all the Nations had given their consent, and not to conceal anything from you. We shall now tell you the truth and not conceal it for we are one heart and mind with you, and why should we dissemble.

Brother Corlaer

When Monsieur Longueil was last year among the Onnondages, the Sinnekes having heard of his being there, and what his Errant was, sent a Belt of Wampum to them, that in case the

French should desire to make any Building or Settlement at Niagara or at [a]Ochsweeke or elsewhere on their land, they should not give their consent to it.

Monsieur Longueil told the Onnondages that he had built a Bark House at Niagara, which was old and began to decay, that he could no longer keep his goods dry in it, and was now come to desire leave to build a bigger house, wherein his Goods might be safe from rain, and said that if they consented that he might build a house there and have Vessels in [b]Cadaracqui lake, he promised it should be for their good, peace and quietness, and for their childrens children, that the French would protect them for three hundred years.

The Onnondages being prevail'd upon by Fair speeches and promises, rejected the Sinnekes belt, and gave the French leave for building at Niagara.

His Excell. asked them what they understood by his building at Niagara, the French protecting them, and their living in peace for three hundred years?

Answer. When Mons[r] Longueil desired to build a house at Niagara, they did not perceive the ill consequence of it, and desired him that he should not deceive them as the French had done in building a Fort at Cadaracqui, which had been occasion of War, and were apprehensive that after they had consented to it, they would make the same use of this, He replyed on that, they need not fear any Mischief from this building, they should live in peace and Quietness three hundred years.

Question. Whether there was not any thing else past between them and Mons[r] Longuiel and his interpreter, before they parted?

Answer. At the Departure of Mons[r] Longuiel he said by his Interpreter that if any Quarrel should arise between him and their Brother Corlaer on the Lake or that any Blood should be shed there about the Trade, as they were Christians he desired they should sit still and smoke their pipe, On which they gave a Belt.

Question. What they answered on that?

Answer Mons[r] Longuiel would not stay for their Answer which they had ready, but said as some of their Sachims were going to Montreal, they might give it there.

Question. What Answer they gave the French at Montreal?

Answer. When they were at Canada they repeated what Mons[r] Longuiel had desired them to sit still and smoke their Pipe when any blood should be shed on the Lake between the Christians, on which he gave a Belt, he told them it was a lye that he had desired any such thing; It was when they condoled the death of Mons[r] De Ramzay at Montreal, that they demanded why they had said that, if any blood should be shed on the Cadaracqui Lake, they should sit still, they added they would not suffer any blood to be shed, nor Acts of hostilities committed there on the Land and Lake belonging to them, but that it should be a path of peace for all christians and Indians to come and go forward and backward on account of Trade, that they kept firm to the Alliance and Covenant made with the English, and to the peace with the French; If they inclined to make contention and fight they might end their Dispute at Sea, and not in their Country.

They further told the French that in case they expected that the Six Nations should sit neuter when any Rupture did arise between the French and the English, that the French ought to promise to keep [all] the far Indians, and also all the Indians in Canada at quiet and smoking their Pipe, on which they gave a Belt, which the French rejected and returned, and said they would make use of their Indians when they had occasion for them.

[a] Called by the French Lac Erie. *Marginal Note in New-York Council Minutes*, XV., 87.

[b] Called by the French Lac Ontario. *Ibid.* — Ed.

Question. If the Onnondages did not repent of the giving the French leave to build at Niagara?

Answer. That they repented as soon as they had done it, and do still, but Mons^{r} Longuiel has prevailed on them by fair speeches and promises, but they find he is double hearted.

Question. If they had sent a Belt of Wampum with any of their people to Canada when they went to condole Mons^{r} De Ramzay's Death?

Answer That they sent a Belt of Wampum from the Sinneke Castle, that the Gov^{r} of Canada should make no Settlement at Niagara nor on the Cadarachqui Lake, but the Sachims who were going from Onnondage to Canada being gone, the Express who had the Belt came too late and brought it back.

Question. That when Mons^{r} Longuiel made the Proposition to the Onnondages for leave to build at Niagara, whether any Sachims of the other Nations were present?

Answer There were Cayouges, Tuskaroras and two Young Sinnekes, who were sent by an Old Sachim that was sent with a Belt by the Sinnekes, but he fell lame by the way, and dispatched the two Young Sinnekes with it, who acquainted the Onnondages with the contents of it.

Question. Whether the Cayouges and Tuskaroras gave their consent to it?

Answer. That they ca'nt blame any other Nations but their own Nation, the Onnondages only.

Question. What the Cayouges and Tuskaroras said when the Onnondages consented that the French should build at Niagara?

Answer. They sat still and heard the Onnondages speak.

Question. What the Six Nations did when they heard the French were at work at Niagara?

Answer. That the Six Nations sent Sachims of Sinnekes and Onnondages with a Belt of Wampum to Niagara, whereby they were directed to say in their name to the French there, that they should not proceed to build further than they had done, that they forbad them and protested against their Proceedings, because that they perceiv'd that they design'd to kill and subdue the Six Nations, and demanded what they intend by fortifying at that place, They said tell us the truth and do not deceive us, but be sincere as we would be to You, we shall not give you any occasion of breach of the peace which is between us; gave a Belt of Wampum.

Question. Who sent this belt first?

Answer. The Onnondages.

Question. Whether the Land at Niagara belongs to the Onnondages, or to the Sinnekes, or to all the Six Nations?

Answer. A Sinneke Sachim named Kanaharighton said the land at Niagara belonged to their Nation particularly.

Question. If the Sachims of the other five Nations acknowledge that the Land at Niagara belongs to the Sinnekes alone?

Answer. They all say Yes, and not only the land at Niagara belonged to the Sinnekes, but also the land opposite to it on the other side of Cadarachqui Lake.

Question. Why the Onnondages consented to the French building at Niagara, while the Land only belongs to the Sinnekes?

Answer. The Onnondages say it is true they have done wrong, they might better have left it alone and have left it to the Sinnekes whose Land it is, they repent of it and say that People often do what they afterwards repent of.

Question. Why the Onnondages consented to the building without leave of the other Nations?

Answer. That one Nation often makes a Proposition and gives their consent to a thing in the name of all the rest, which, if they afterwards consent and approve of, it is well, but if they disallow'd it, it was void.

Question. What the French answered on their belt to forbid them to build at Niagara?

Answer. That the French said that they could not desist from compleating the house at Niagara, being sent and order'd by the Governour of Canada to build it, and durst not desist from working, but must proceed and finish it, having Consent from the Six Nations for the doing of it, that Jean Cœur the French Interpreter was going to Montreal and would acquaint the Governour with what they had said, that he would bring an Answer at Onnondaga by the latter end of September (when the Indian corn was ripe) and then they threw their Belt back and Rejected it by which they had spoke, and said they thought they were sent by the Gov^{r} of New York, on which they replyed that they were not sent by him, but by the Sachims of the Six Nations, and did not know who had given the French that liberty, that they did not know it, and desired that they would name the Sachims who had given their leave, on which they did not reply, but said that when the House was finished 30 Souldiers would be posted there with Officers and a Priest.

Question. Whether they know of a hatchet of War given by the French against the Six Nations?

Answer. That they have heard that the Gov^{r} of Canada by two of his Interpreters had given a hatchet of war to the Indians living to the Southward near a branch of Susquehanah, on a branch of a River called [d] Adiego which vents into the great river Missisipi, Some of their people who were out a fighting came to their habitation, who acquainted them that two French men had given a hatchet of War by order of the Governour of Canada against the Six Nations, which those Indians refused, and said they were a joint of the said Nations, and possess'd part of their Land and if any people made war against them they were to assist them, But when the French saw that those Indians would not accept the hatchet of War, they desired them not to speak of it to the Six Nations, for it was concluded by the French and English to cut them off, and gave them a bundle of papers to be carried to Philadelphia, and from thence to New York and thence to Albany and thence to Montreal and when that arrived there, and the Fort at Niagara was built, then would be the time when the Six Nations were to be cut off, but their Warriours happen'd to get that Packet and burn'd it. They said that now they have said the Truth and answered fully what they know and since His Excellency has been asking them Questions, they desire he will be pleased to answer them what they shall ask him.

They say that they hear a great deal of bad news from Canada that the English and French keep a continual correspondence with one another and desire his Excell. will be pleased to acquaint them with what news he has.

They say also that the Traders who come in their country do cheat them very much in the Sale of Rum, instead of which they sell them water which in a day or two stinks and is noisom.

His Excell. told them that he was sorry that the Traders had cheated them in Rum, He intends to send a man that shall be no trader, to prevent their being imposed on or cheated for the future.

[d] Called by the French Olio, [Ohio]. *Marginal note* in *New-York Council Minutes*, XV., 92. — Ed.

That the two Crowns in Europe are in a strict friendship and alliance together, & were going to make war against Spain and the Emperour, and had sent a Fleet to New Spain to prevent their money fleet from going to old Spain.

That his Excêll had sent a letter to the Gov^{r} of Canada by Philip Livingston, which follows in these words[1]

That his Excellency expected their Answer but their New Governour being come, he heard that they had no time to write. That was all what had pass'd between His Excellency and the Gov^{r} of Canada, Then the fifteenth Article of the Treaty of Utrecht was interpreted to them, which follows in these words.

"That the Subjects of France inhabiting Canada, shall hereafter give no hindrance or "Molestation to the five Nations or Cantons of Indians subject to the Dominion of Great "Britain, nor to the other Natives of America who are friends to the same, In like manner the "Subjects of Great Britain shall behave themselves peaceably towards the Americans who are "subjects or friends to France, and on both sides they shall enjoy full liberty on Account of "Trade, as also the Natives of those Countrys shall with the same liberty resort as they please "to the British or French Colonies for promoting Trade on the one side or the other, without "any molestation or hindrance either on the part of the British Subjects or of the French, but "it to be exactly and distinctly settled by Commissarys who are and who ought to be "accounted the Subjects & friends of Britain or of France."

His Excellency told them that now the chief question was if the building at Niagara was not prejudicial to them, to their hunting and to the far Indians coming hither on acc^{t} of Trade; if they say that it is no hindrance to them to go a hunting or to the far Indians coming to them, His Excêll. has nothing to say, and the French have done well, but if they find it prejudicial and complain'd of it to His Excêll: He offers to represent it to His Majesty, and that now they might say what they Judge best for them.

Then they said, Brother Corlaer you have asked us several questions which we have answered, and you have acquainted us with what news you know: And now you ask if we approve of the building at Niagara; We do not only complain against the proceedings of the French in fortifying Niagara on our Land contrary to our inclination and without our consent, to pen us up from our chief hunting place, but we also humbly beg and desire that Your Excêll: will be pleased to write to His Majesty King George that he may have compassion on us, and write to the King of France to order his Governour of Canada to remove the building at Niagara, for we think it very prejudicial to us all.

His Excêll: said that what is now said he expects shall be repeated in publick, that all may be done openly and publickly, that every body may know what passes between them.

[1] For this Letter, see *post* p. 802.—Ed.

At a Conference between his Excêll. William Burnet Esq^{r} Cap^{t} Gen^{l} and Gov^{r} in Cheif of the Provinces of New York, New Jersey &c. and the Sachims of the Six Nations, named the Maquase, Oneydes, Cayouges, Onnondages, Sinnekes and Tuscaroras. In Albany the 9th day of Sept^{r} 1726.

PRESENT — His Excell. William Burnet Esq^{r} &c.
Cap^{t} Cornwell
Cap^{t} Norris
Philip Livingston, Henry Holland, John Cuyler, Peter Van Brugh, Evert Banker, John Collins, Henry Renselaer — Côm^{rs} of the Ind^{n} Affairs.
Rutger Blecker, Recorder
Joh^{s} Pruyn, Barent Sanders, Joh^{s} Ten Broek, John De Peyster — Aldermen.

Brethren

I am come hither to speak with you on the Matt which has always been kept clean for us to meet upon in this Place.

The French have no such matt spread at Montreal, theirs has been so often besmeared with the blood of the five Nations, that the sky will always remain dark and gloomy over it, whilest here has always been a bright sun fixed over your heads without mists or clouds, I need not fill Your ears with things done as it were yesterday, these you all know; Your Warriors can well remember them, but I will mention to you some Old things that were done when the oldest of you were but children, and which the French have just now published to the world in Books[a] with the permission and approbation of their King. When the French first came over the great Lake to this Country they were kindly used by the five Nations, and particularly by the Onnondages, but soon after a war broke out between Your fathers and the [b]Adirondacks which the French writer[c] owns was because six Adirondacks treacherously murder'd six of the five Nations in their sleep, who had been hunting with them as brethren, The French took up the hatchet with this perfidious Nation against You, and finding that they could not master you without more help, the Governour of [d]Canada hung up a great kettle of War against the five Nations, and invited the [e]Kicktages, the Quatoges, the Otawaus, the Twicktwicks, the Quacksis, the Scungsicks, the Estiaghes, and several other Nations about [f]Teijaondoraghi and [g]Enitajghe to eat Your flesh out of that kettle in one great feast, and when the [h]Ottawawas and Quatoges had a mind to bury their hatchet and to set up a Tree of peace, the French used all their Art to hinder them from planting it, and endeavoured to cut off the roots of it, and at last threatned to drive them from their own fires if they would make a Covenant with you, because they fear'd that if you became brethren to

[a] Histoire de l'Amerique Septentrionale in 4 tomes, par Mr Bacqueville de la Potherie en 12mo a Paris 1722 avec Approbation et Privilege du Roy.

[b] Called by the French Algonkins.

[c] Hist. de la Amer. Tom. I., pag. 292.

[d] Tom. II. pag. 157. 193. 251. Tom. III. 162.

[e] Called by the French Illinois, Hurons, Ottawacks, Miamis, Renards Terre Rouge, Sauteurs.

[f] Called by the French Michilimakenac.

[g] Called by the French Bay des Puans.

[h] Tom. II. 231. 239. 294. 321. Tom. IV. 51.

[a] Tom. II. pag. 800. Tom. III. 262. those Nations, that then Canada would loose the Trade of the Lakes,[a] since the English would be able to supply them with goods cheaper than the French, as long as the path lay open; when they made peace with you they asked Your leave to make [b] Tom. IV. 264. Called by the French Le Detroit. Forts at [b] Tusachrondie and at Cadarachqui, and when the war broke out again they made use of those places to bring the Indians together and to give them guns and powder, and lead to destroy you, and at the same time they set up trees of peace between these Nations and all their other Enemies, that they might have no flesh to eat but [c] Tom. I. 882. yours, and [c] even in a time of full peace with you they took forty of Your people who were trading at Fort Cadarachqui, and sent them prisoners to France, only on this pretence that the Sinnekes had robbed some of their traders that had passed thro' their Country. This is the Account the French themselves give of their way of using some of their Children as they call you, these are the Colours in which the French paint their own actions, and if they make so bad an appearance in that light, how must they appear to you who have heard the truth from Your fathers without any Varnish; But what have the English ever done like these things? What Nation did they Ever give the hatchet to against You, or when did they ever take it up themselves for that end? What Forts have they built on Your land in order to enslave you and protect your enemies? have they ever taken your Lands by force from You? have they ever stained the ground with Your blood? have they ever deceived you with smooth words while their hearts were not one with you?

Have they not always fed you and cloathed You, and armed you and assisted you against Your Enemies? If you know these things to be true, you cannot be in doubt who is Your true father, the Governour of Canada has no manner of Right to that name, Your only true father is the King of Great Britain and all that are his Subjects are your brethren, and in token of this I now lay before you the Old Covenant Chain, which has always held us close to one another, Let not any false news from Canada make any Spots upon it, but give ear only to the English, who have always spoke from their heart to you, and join now with me in making this Chain stronger & brighter than ever between all the British Governments in America and the six Nations, and hereupon I give You a Belt.

I am informed that the French are now building a strong House of Stone or a Fort at Niagara, you will tell me to whom that land belongs, and whether the right owners of it or the Six Nations have consented that the French should fortify there, as the French affirm that you have done unanimously, and that you have confirmed it on the 14th July last in a full Council at Niagara, as I am informed by a letter which I have received this Afternoon from Mons^{r} De Longuiel: You will also tell me whether you fear that this Fort may whenever the French please molest you by Shutting up the path to Your hunting place, and hinder you from going freely among the far Nations of Indians as well as those Indians from having full liberty to come into Your Country upon account of Trade; If you have such fears you should speak them out freely to Your Brother, and then I hope I shall be able to Obtain a Remedy for the Sickness that this may have given you at heart, for I will acquaint the King my Master that the Subjects of the French King in Canada have broken an Article of the last treaty between the two Crowns, which covenants

"That the Subjects of France inhabiting Canada, shall hereafter give no hindrance or
"Molestation to the five Nations or Cantons of Indians Subject to the Dominion of Great
"Britain, nor to the other Natives of America who are friends to the same, In like manner
"the Subjects of Great Britain shall behave themselves peaceably towards the Americans

"who are subjects or Friends to France, and on both sides they shall enjoy full liberty on "account of Trade, as also the Natives of those Countrys shall with the same liberty resort "as they please to the British or French Colonies for promoting Trade on the one side or the "other, without any molestation or hindance, either on the part of the British Subjects or of "the French, but it to be exactly and distinctly settled by Commissarys who are and "ought to be accounted the Friends and Subjects of Britain or of France."

This is the whole that relates to you in the Very words of the Treaty, and if the King my Master is perswaded that the building a Fort at Niagara since the last treaty of peace is a breach of this Article, I know that he is so kind and carefull a father of his children, that he will order complaints to be made to the King of France of what the French in Canada have done, and since these two great Kings have lately made a strict alliance and are become brethren I have reason to hope that the King of France will order the conduct of his servants in Canada to be narrowly looked into, and if he finds that they have broken the Treaty in building a Fort at Niagara, that he will order it to be pulled down, and that you may be assured that I will do my utmost to obtain full satisfaction for you, that you may sleep quietly and undisturb'd in Your Villages. I give you this Belt.

Last year you desired the Commissioners of the Indians Affairs [at Albany] to communicate to me some matters which you had to say to the Government of Virginia, I writ to the Governour of Virginia according to Your desire, and have received his answer, w^ch^ is that there has been no fighting lately between the people in his Government and the Indians, but that some Indians had alarmed the Frontiers last summer, and had plunder'd some of the outermost settlements and killed an Englishman on his own plantation.

The Governour of Virginia hopes that these Indians were not any of the Six Nations, he says that if they were, you ought to be ashamed of such Vile Actions so soon after having concluded a Peace with that Government, and that if any of their Militia who were then commanded out, had found any of those Indians, they would have fall'n upon them without delay, being so justly provoked.

I have this Summer received a Complaint from the Gov^r^ of South Carolina that there has lately been a party of twelve Indians who came into the heart of their Settlements, insulted some of the English Inhabitants, and killed some of the Indians friends to the English, they called themselves Sinnekes, but the English knew two of them to be Tuskaroras, I expect that you will make enquiry who are the persons guilty of these wicked and barbarous actions, that I may know how much the Six Nations abhor such treachery against Your brethren the English, and that you will punish the Offenders (whenever you discover them) as they deserve.

I am informed likewise that three years ago some Sinnekes were in the same Colony at [a]Characks on the River called [b]Constichrohare at an English Trading house, and there took away an Indian slave belonging to one Nathaniel Ford an Englishman, together with two Guns, two blankets, and some powder, notwithstanding the Sinnekes were told that this Boy and the goods belonged to the English.

[a] Called in South Carolina the Sharawas[1]

[b] Pede's River.

I now therefore demand of you that the said Boy and the goods be restored as soon as can be to M^r^ Peter Barberie now here at Albany, or to whom he shall direct you, that he may

[1] The Cheraws occupied the Northeast corner of South Carolina, called in Jefferson's Map "Cheraws Precinct," which included the counties of Darlington and Chesterfield. The town of Cheraw, in the latter county, is called after this tribe. Adair says they ultimately joined the Catawbas, and thus became extinct. — Ed.

sent them to their owner in South Carolina, who has desired him to obtain them in his name, I question not but that if you make dispatch herein that M[r] Barberie will make you a present to Your satisfaction, If you expect the protection and friendship of the English you must resolve to do nothing that may most justly provoke us, and particularly not permit any of the French Indians to pass thro' Your Country in order to make war upon the English Colonies which they do in order to destroy you, by weakning Your Brethren and best Friends, But above all let me never hear again that any of you have so far lost their understanding[1] as to assist the French Indians in such Expeditions, and so prepare the path for your own destruction. I hope this is the last time I shall have occasion to reprove you in this manner, and that you will take care whilst you are here and in Your return home, you do not meddle with anything that belongs to the Inhabitants, I have complaints of mischief done by some of you as you were coming hither, I expect that you will do nothing of that kind for the future and on that condition I pass over what has been done already, and upon the whole I Give You this Belt.

Answer of the Sachims of the Six Nations To His Excêll: William Burnet Esq[r] Cap[t] Gen[l] and Governour in Chief of the Provinces of New York, New Jersey, &c. In Albany the 13[th] day of Sept[r] 1726.

PRESENT— His Excêll: William Burnet Esq[r] &c.

Philip Livingston
Henry Holland
John Cuyler
Peter Van Brugh
Evert Banker
Hend[k] Renselaer
} Côm[rs] of the Indian Affairs.

Rutger Bleeker, Recorder.

Kanakarighton a Sinneke Sachim stood up and said.

Brother Corlaer.

You have spoken to us lately and told us that this was the place to meet and to speak to one another on the Matt that is spread here, which is clear and unpolluted.

You told us also that the Gov[r] of Canada could not say as you have done, but that his mat is besmear'd with the blood of the five Nations, and that they walk there in a dark and cloudy air, You told us also that we have always walk'd in a clear sun shine, where no Darkness nor gloomy clouds have been in the way, and you would tell us some Old things, that it was needless to fill our ears with, what happen'd lately, that our Young Men know it but that you would acquaint us what happen'd when our old men were [but] children, Thereupon you told us what had been the occasion of the first quarrell between the five Nations and the Adirondax Indians, that they had treacherously murder'd six of our people on their hunting which was the occasion of the War between us and the French because they assisted those Vile people (who had committed this barbarous Act) against Us: When the Adirondax and the French saw that they could not over power us the French invited all the Neighbouring Nations at [a] a place where the [b] Tienonadies now live, and said that he hung a large kettle

[a] Le Detroit.
[b] Part of the Hurons.

[1] your reason. *New-York Council Minutes*, XV., 101.

over and put in it the Flesh of the five Nations, and that they should eat no other flesh but that, and when the Quatoges and Otawawas were inclined to bury their hatchet which they had taken up against us, when the Govr of Canada perceived that he prevented it, and told those Nations if they did bury the hatchet he would drive them out of the Country, You added further that the Governour of Canada invited at the same time all the Upper Nations to make war against the five Nations, And demanded whenever the English Nation have done any such thing.

We shall not Repeat all your Speech but here and there pick out the Chief Articles.

You have renewed our old covenant [chain] and strengthen'd it, and made the Covenant Chain bright and clear again, and stronger than it ever has been, You have said that there should come no spots nor rust on it, which we on our side shall never suffer, and we strengthen and renew the Old Covenant on the same manner as you have done, We desire you not to give much credit when any people do bring you ill reports of us, we promise the same on our side, not to beleive on slight grounds, Let this Belt be a token that we may live and dye with one another in good Friendship.

You have told us that you had heard that the Governour of Canada was busy in building at Niagara, that Monsr Longuiel writes to you that he builds the House or Fort there with consent of the Six Nations, You asked us how we did like it, if it would be no hindrance to us, and the far Indians to come and go forward and backward, if that building was any way prejudicial to us that we should make our Complaint, We must first acquaint you that we have been at Niagara in the name of the Six Nations, and spoke to the "Govr of Canada, and told him to desist from making any building there.

"That is one of his Officers.

You told us also that it was agreed between the two crowns of Great Britain & France that the French may not meddle with the Six Nations, nor settle on their land, if they do it that it is a breach of an Article of the Treaty, and that it is on both sides concluded that the Indians may go on account of trade unmolested where they please.

We speak now in the name of all the Six Nations and come to you howling: This is the reason for what we howl, that the Govr of Canada incroaches on our land and builds thereon, therefore do we come to Your Excellency our Brother Corlaer, and desire you will be pleased to write to the great king Your Master and if Our King will then be pleased to write to the King of France, that the Six Nations desire that the Fort at Niagara may be demolished; This Belt we give to you Our Brother [Corlaer] as a token that you be not negligent to write to the King, the sooner the better, and desire that the letter may be writ very pressing.

We acquaint You that Jean Coeuer is expected at Onnondage, that the French always say that our Brethren the English will kill us, and all bad Reports do they spread among us, and our brother Corlaer tells us the same Evil of the French, that they have from time to time deceived us.

We desire you to send a Man of Experience to Onnondage, and that there may be spoken nothing but Indian between the brother Corlaer and the French, every one to answer for himself concerning what ill Reports he shall have spread: The Six Nations would then be present to hear what every one had to say to the other for his Vindication, that we may find out the Deceit and know who is the lyar.

You told us also that the Comissrs of the Indian Affairs at Albany had acquainted you that we were inclined to speak with the Govr of Virginia, that you had writ to him and received his answer, that there was no mischief done lately, only that the Sinnekes had murdered a

man on his own land. That the Gov^{r} had ordered some to pursue the Murderers, and if they had overtaken them, they would have received their Deserts, You have order'd us to inquire who had committed this base Action, and if we discovered it, to punish the Transgressors, according to their Deserts; We have made inquiry and found out who has done it, there are four Nations guilty of this Action, Sinnekes, Maquase, Tuskaroras and French Indians, but it was not done with Design there were[1] Indians who are our enemies whom we traced to that house.

You have made Inquiry concerned[2] a Slave who you say is taken by our people. We acknowledge to have been of the Company that took him, he is given to Indians who live on a Branch of Susquehannah River, which is called Soghniejadie, therefore we desire you to make a further Inquiry for that place is nearer to you than us.

We desire that this may be forgiven us, there many times happen accidents between one nation and another, but they must not be too hasty, therefore we desire the Gov^{r} of Virginia that he may not be too rash to revenge such an Action, which was not committed with design nor by consent of the Sachims, if such things happen between brethren then it must always be lay'd by & reconciled.

You told us not to suffer any of the French Indians to make a path thro' our Country to go fighting, we promise to do our endeavour to prevent them [as much as possible] to approach any of the English Colonies.

We desire also that you may prevent them, for many go fighting thro' Albany to the English Settlements, who do not come thro' the Six Nations.

We desire again that the Governour of Virginia may not be rash, and may lay down the hatchet, which he has in his hands, that he ought to think on the former Treaties which are made between him and the Six Nations, that there ought [not] to be a Quarrel for an action which happen'd not designedly.

You have desired us that we should not molest any of your people nor Brethren in Our return home, we promise to do our utmost endeavour to prevent our Young Indians as much as possible, Now you may well say that we always promise and not perform, that is the Devil's work and inspiration to Evil people, who makes us lyars and reproachable, Give a Belt.

We have now done and have here and there touched an Article of Your Speech, We must acquaint you how our fraternity came anciently, it came by the Trade, we received the Goods in former times cheap, and we were convinced of Your goodness, but now the goods are sold us dearer and dearer, therefore we desire you that we may have goods cheaper, and we desire the same from the inhabitants of this City, that they may use their endeavour that we may have goods cheaper, especially powder, but do not lay powder on one side of the scale and Beavers on the other, that is too little powder.

You have two Years ago desired the six Nations to get[3] some Beaver Traps on the Onnondages River, which we have consented to, and granted, but we find our selves deceived by these Beaver Traps, instead of Rum the people who lay there sell us water which they take out of this Trap, and make us pay excessive dear for it, therefore we desire that no Rum may be sent up, for it produces all Evil and Contention between man & wife, between the

[1] *They* were. *New-York Council Minutes*, XV., 104. [2] Concerning. *Ibid.* [3] Set. *Ibid.* 106. — Ed.

Young Indians & the Sachims. When the uppermost Indians want Rum let them go and fetch it at Albany as they have done formerly, When any of Your people go to Our Country, let them bring dry Goods, powder lead and all Indian Goods, and let us receive it for the same price as it can be bought at Albany, This what we have said we shall communicate to the far Indians, that they must fetch strong liquor at Albany.

We have now done with Our proposition that relates to the Six Nations, but what we come to say now relates particularly to the Sinnekes.

It is three years ago that you Offer'd us a Smith, and told us we might look for one to our minds, we found one then who pleased us very well, It was Myndert Wemp, when his time was expired he told the Sachims that he was going home whereon they desired him to come again because he was good and charitable to the poor, therefore we desire he may be our Smith and go with us when we go home. We desire also an Armourer who can Mend our locks and Arms, such a Man lives at Schenectady, We desire also that Andries Nak may go in company with the Smith, that he may be instructed in the Indian language.

We desire that when the Smith and Armourer go up, they may bring all their tools with them, Give a few Skins.

His Excêll: told them that he had something to Answer on what they had said, which is in these Words.

The Governour's Answer to the Indians of the Six Nations.

I have a few things to say to you upon what you have spoke to me. Since you desire it earnestly I will write to the King my Master in a pressing manner, that he may perswade the King of France to order the Fort at Niagara to be pulled down.

As to what you said without a Belt that you desired a wise Man to meet Jan Coeur at Onnondage, that you might find out what false stories have been spread on either side, I think Your own Experience for so many years past may sufficiently convince you that all false stories have come from the French only, and that this Government has always spoken the truth to you, and I think you ought not to suffer Jan Coeur to come among you, since he has always filled Your ears with such groundless Reports for which Reason I will not send any person to speak with him, it would be doing him an honour which he does not deserve. But I will send a proper person to stay among the Sinnekes this Winter,[1] who will answer them any questions which they shall ask him and to whom I expect they will tell all the Reports that the French spread among them, that he may shew them the falshood of them, and that they will follow his advice in every thing that he shall recommend to them.

You see by this letter which I have now received from Mons[r] De Longuiel what groundless Reports the French are now spreading concerning Your own actions, of which you have now told me the quite contrary and now doubt[2] Jan Coeur is gone now to spread some other false Reports among you at Onnondage, which you must be on Your guard against, that he may not

[1] Capt. Evert Bancker was appointed Commissary among the Five Nations on the 15th September, 1726, with instructions to reside till April following either at Canosedagui or Onahee, or go from time to time from one Castle to the other, and to take a journey to Cayouge or Onnondage when necessary. *New-York Colonial Manuscripts*, LXVII. — Ed.

[2] No doubt. *New-York Council Minutes*, XV., 107.

deceive you again as he has so often done. I shall inform the Gov^r of Virginia of what You desire, but the only way to hinder him from taking up the hatchet against you, is to forbear any more such insults on Virginia on your parts.

As to what you say about the selling of Goods here, You know the Merchants are Masters of their own goods, and I cannot oblige them to sell them cheaper than they can afford it, but sometimes Your Beaver and skins are worth more money & sometimes less on the other side of the great lake, and so the price that they can afford their goods at may Alter, and they have now assured me that Goods are as cheap as they can afford them. You complain that they sell you water instead of Rum, at the Onnondage River, and at the same time you complain that Rum makes you Disordered, now the water cannot disorder you, and you need not buy the rum unless You please, But the far Nations have a great way to come to that trading place and if they want Rum there they must have it, and if they have a mind to fetch it at Albany they may come hither to fetch it, But that there may be no complaint about the Rum, the next summer I will order a fit person to remain[1] at the Trading place and take care that there shall be no disorder or cheating practised by the Traders, and if you shall have any Complaints he will be ready to hear and do You justice. If Myndert Wemp will go to the Sinnekes land, he may, and if he is not willing, I will send the fittest Smith I can find with the Armourer whom you Desire, and who shall go as [soon as] they can be ready; I wish you now a good Journey home, and shall lay before You a noble Present from His Majesty to you, The Powder is of the best Sort, and the Rum and some Provisions shall be given you after you are past Schenectady when you are upon your Journey.

The Governour's Speech to the River and Schaakook Indians the 13^th^ September 1726.

Children,

It is a pleasure to me to see you together in this Old Meeting Place; As you live among the Settlements peacably and quietly so you reap the benefit of it, by enjoying more plenty of provisions and other Conveniences of life, than those who live at a great distance from the Christians, and therefore I do'nt doubt but you will continue to live like Good Neighbours with the English, as you have hitherto done, and then You may always depend on the continuance of the favour and protection of the Government; I hope none of you will go to Canada, as some of you the Schakooks have done, but endeavour to bring back those that are already gone thither, for you may live much better here than you can possibly do in Canada.

I hear that two of Your Sachims are dead, I condole with You upon their Death and I recommend Wawiachech to be in their place one of the Sachims of the Schaakooks, and upon that I give you this Belt.

As the Covenant Chain has been always kept clean between the English and Your forefathers, I do'nt doubt but you will join with me in renewing it, and brightening it, that it may last as long as the Sun and Moon, and accordingly I now brighten it and make it strong by this Belt.

[1] Reside. *New-York Council Minutes*, XV., 108. — Ed.

Answer of the River and Schaakook Indians, to his Excellency.

Father.

We are glad to see you here and thank you for condoling the death of our two Sachims, and wiping off our tears We are rejoyced that you have been pleased to appoint Wawiachech to be a Sachim in room of the two deceased Sachims, We hope he may behave himself well, and that our Behaviour may be better than it has been.

You have spoken of the Covenant Chain which has been made between us and the English, We make it clean to keep the same bright, and wrap beaver Skins about it, that it may not rust, Give five beaver Skins.

You have spoken relating to the Deserters of Schaakook, It is a very bad Action, they are an evil sort of people that are gone to Canada; It is because then Run[t] themselves Much in Debt and to avoid payment they go away, but those that are now here design to live and dye at Schaakook, Give five Beaver Skins.

You have been pleased to renew the Covenant Chain, We shall on our side keep it bright and inviolable, We are very glad that you like our Country so well, that there is food Enough, and that you think we live well near the Christians.

His Excellency told them he would make them a present of Sundry Goods and wish'd them a good Journey to their habitations.

At a Conference held at Albany between His Excellency William Burnet Esq[r] Cap[t] Gen[l] and Gov[r] in Chief of the Provinces of New York, New Jersey &c: And two Sachims of the Sinnekes named Kanakarighton, and Thanintsoronwee, three Sachims of Cayouge named Ottsochkooree, DeKanisoree and Aenjeweerat two Sachims of the Onnondage named Kachjakadorodon and Sadekeenaghtie. This 14[th] day of Sept[r] 1726.

His Excellency told them that since they had complained against the French incroaching on their land at Niagara by building a Fort there, and since they Expected that the King of Great Britain should protect them in the quiet Enjoym[t] of their own lands, It would be proper for them to do at this time what they proposed to do 25 years ago, which was to submit and give up all their hunting Country to the King, and to sign a Deed for it, which however has not been done, and perhaps for that reason their proposal at that time has not been so well remembred as it would have been if they had signed such a Deed, Therefore His Excellency proposed that they should now sign a Deed confirming that proposal, and likewise submitting and giving up all their Land adjoyning to the Lake of Oswego and the narrow Passage between it and the Lake Cadarachqui, [and also all the Land along the said Lake Catarachqui][2] thirty miles from the Water of the said lakes and Rivers directly into the Country so as to leave their castles out of it, or sixty miles into the Country so as to include all their Castles and country.

After a Consultation among themselves, they said that they would rather have the said Deed of Surrender and Submission include all their Castles, and that they would then Expect that His Majesty would be pleased to defend them from the Incroachments of the French.

[1] *they* run. *New-York Council Minutes*, XV., 109.

[2] The words within [ ] in the above Conference are added from the Record in *New-York Council Minutes*, XV., 86–111. — Ed.

His Excellency told them that whilest it is peace His Majesty could use no harsh measures against the French, but only require them to stand to the Treaties concluded between the two Crowns, but in time of War that he would protect and defend them against all attempts and Incroachments whatsoever to be offered by the French.—

Deed in Trust from three of the Five Nations of Indians to the King.

[From the Original Roll in the Secretary of State's Office, Albany, N. Y.]

To all People to whom this present Instrument of Writing shall Come Whereas the Sachims of the five Nations did (on the 19th Day of July in the year of Our Lord one Thousand Seven hundred And one. in a Conference held at Albany Between John Nanfan Esqr late Lievt Governr of the Province of New York) Give and Render up all their Land where the Beaver Hunting is which they won With the Sword then Eighty Years ago to Corachkoo our Great King Praying that he might be their Protector and Defender there. For which they desired that their Secretary might then draw an Instrument for them to Sign & Seal That it might be Carried to the King as by the minutes thereof now in Custody of the Secretary for Indian Affairs at Albany may more fully and at Large appear. We Kanakarighton & Thanintsaronwee Sinneke Sachims, Ottsoghkoree Dekanissoree & Aenjeweeratt Cayouge Sachims, Kachjahadorodon & Sadegeenaghtie Onnondage Sachims of our own Accord free and Voluntary will Do hereby Ratify Confirm Submit and Grant and by these Presents do (for our Selves our heirs and Successors and in behalf of the whole nations of Sinnekes Cayouges & onnondages) Ratify Confirme Submit and Grant unto Our Most Sovereign Lord George by the grace of God King of great Brittain France and Ireland Defender of the Faith &c his heirs and Successors for Ever. all the Said Land and Beaver hunting to be Protected & Defended by his Said Majesty his heirs & Successors to and for the use of us our heirs & Successors and the said Three nations. And we Do allso of our own Accord free and Voluntary will Give Render Submit and Grant and by these presents do for our Selves our heirs & Successors Give Render Submit and Grant unto Our Said Sovereign Lord King George his heirs and Successors for Ever all that Land Lying and being Sixty miles distance taken Directly from the water into the Country Beginning from a Creek Call'd Canahogue on the Lake Osweego, all along the said lake and all along the narrow passage from the said Lake to the Falls of Oniagara Called Cahaquaraghe and all along the River of Oniagara and all along the Lake Cadarackquis to the Creek Called Sodoms belonging to the Senekes and from Sodoms to the hill Called Tegerhunkserode Belonging to the Cayouges, and from Tegerhunckseroda to the Creek Called Cayhunghage Belonging to the Onnondages all the Said Land being of the Breadth of Sixty English miles as aforesaid all the way from the aforesaid Lakes or Rivers Directly into the Country and thereby Including all the Castles of the aforesaid Three Nations with all the Rivers Creeks and Lakes within the Said Limits to be protected & Defended by his said Majesty his heirs and Successors for Ever To and for Our use our heirs & Successors and

the Said Three Nations In Testimony whereof We have hereunto Sett our Marks and Affixed our Seales in the city of Albany this fourteenth Day of September in The thirteenth year of his Majestys Reign Annoq[e] Domini 1726

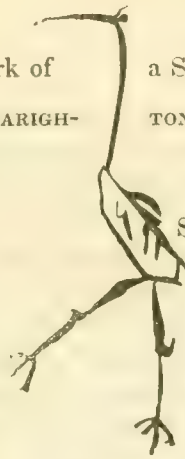
The Mark of Kachjakadorodon a Sachim of the onnondage [L.S.][1]



The Mark of Ottsoghkoree a Sachim of the Cayouges.[3] [L. S.]



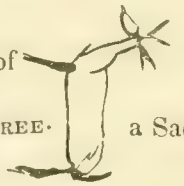
The Mark of Kanakarighton a Sachim of the Sinnekes [L. S.][6]



The Mark of Sadegeenaghtie a Sachim of onnondage [2] [L. S.]



The Mark of Dekanisoree· a Sachim of the Cayouges.[4] [L. S.]



The Mark of Aenjeweeratt a Sachim of the Cayouges [L. S.][5]



the Mark of Thanintsaronwee a Sachim of the Sennekes [L. S.][7]



Signd Seald and Deliverd in the Presence of us.

Philip Livingston
Pieter Van Brugh
Myndert Schuyler.
Lourens Claesen.

Endorsed—

Recorded in the Secretarys Office of the Province of New York this Ninth day of November One Thousand Seven hundred and Twenty Six in a Book of patents N° 13. In Testimony whereof I have hereunto Set my hand the day and Year abovesaid

Is. Bobin D. Secry

[1] Of the Tribe of the Deer. [2] Of the tribe of the Wolf. [3] Of the tribe of the Bear. [4] Of the tribe of the Wolf. [5] Of the tribe of the Turtle. [6] Of the tribe of the Plover. [7] Of the tribe of the Beaver. The above Deed included the country East from Cleveland, Ohio, to Salmon River, in Oswego county, N. Y. — Ed.

Governor Burnet to Mr. de Longueuil.

[New-York Papers, Dd., 18.]

[TRANSLATED FROM THE FRENCH.]

Amboy, 5th of July 1726.

Sir,

From the report of persons who have been among the 5 Nations, I have learned that about a hundred Frenchmen were at Niagara commencing the erection of a fort there, with the design of shutting in the Five Nations, and preventing the free passage of the other Indians at that point to trade with us as they have been in the habit of doing; I have considered it my duty to state to you how much I am surprised at an undertaking so opposed to the Treaty of Peace concluded at Utrecht, where it has been stipulated that the 5 Nations shall be left to the English, and that the French shall not molest them in any manner, and that all the Indians in America shall enjoy full liberty of resorting to each of the two Nations to make their trade without any hindrance. I believe, also, that the Five Nations will ever maintain that the lands at Niagara are their property, and that the French have never, in Mr De lasale's time nor since, undertaken anything in that quarter, in time of peace, without the consent of the Senecas, and inasmuch as the 5 Nations have been ceded to us by the French at that last peace, it follows that the latter have no longer any claim to their lands. I hope, Sir, that after having maturely considered what I have the honor to represent to you, you will take care to prevent anything being done in contravention to Treaties, and especially to the perfect union actually established by the last alliance between the two Crowns. Should the fortifying Niagara be continued, I shall be under the necessity of representing the matter to my Superiors, in order that the Court of France, being well informed of the fact, may give its opinion thereupon; as I have heard that it has already expressed its disapprobation of the part Mr de Vandreuil took in the War of the Abenaquis against New England.

I take the liberty on this occasion to recommend to you Mr Philip Livingston, who is here a member of the King's Council and one of my particular friends, and who takes charge of this letter. I would be delighted to receive, on his return, an answer from you, and I should always feel a sensible pleasure in hearing from you, and in being able to prove to you that I am,

Sir,

Your most humble

and most obedient Servant

W. Burnet.

Mr. de Longueuil to Governor Burnet.

[New-York Papers, Dd., 18.]

[TRANSLATED FROM THE FRENCH.]

Montreal, 16th August 1726.

Sir,

Mr Philip Livingston has handed me the letter you were at the trouble to write me on the 5th of July last, and I should greatly desire, out of respect for you, to be able to render him all the good offices in my power.

In regard to the news you have received of the Frenchmen sent by me to Niagara to construct a fort there, with the design, as you say, to shut in the Five Nations and to prevent the other Indians passing freely there on their way to trade with you, permit me, Sir, to inform you, that it is not my intention to shut in the Five Iroquois Nations, as you pretend, and that I do not think I contravene the Utrecht Treaty of Peace in executing my orders from the Court of France respecting the reëstablishment of the Niagara post, whereof we have been the Masters from all time. The Five Nations, who are neither your subjects nor ours, ought to be much obliged to you to take upon you an uneasiness they never felt, inasmuch as, so far from considering that the establishment at Niagara may prove a source of trouble to them, they were parties to it by a unanimous consent, and have again confirmed it in the last Council holden at Niagara, on the 14th of July last.

The Governor General who is coming from France this year will be at liberty, should he think proper, to communicate to you the decision of the Court of France respecting the post at Niagara, and the orders he will bring out.

I have no knowledge that the Court hath disapproved the Marquis de Vaudreuil's proceedings in relation to the Abenaquis. I beg you to be truly persuaded that I should be very sorry to do anything of my own will that could in the least degree affect the union and perfect intelligence that exist between our two Crowns, much less that which I shall always endeavor to entertain personally, Sir, with you, since no one is with more perfect consideration, Sir,

Your most humble and most obedient servant

LONGUEUIL.

Governor Burnet to the Duke of Newcastle.

[New-York Papers (S. P. O.) No. 7, p. 145.]

New York 4: Decr 1726.

My Lord

I have the honour of Your Grace's letter of the 7th of July last, and humbly thank your Grace for your readiness to give all proper countenance and dispatch to the business of these Colonies.

I am glad that my proceedings in serving Mr Walpole in his demands here, have proved to your Grace's satisfaction, I doubt not but his agent here has satisfyed Mr Walpole that I have done and am ready to do all that can be desired of me for his service.

I am now to lay before Your Grace a complaint in which the Indians of the six nations join with me against the French for having built a Fort at Niagara, on the land of one of the six nations at the place through which they must pass to go to their own hunting country, which lyes between the three nearest great Lakes, and by which place all the Far Indians must pass on account of trade with this province. By means of this fort the French can hinder and molest these Indians when they please, which is directly contrary to the 15th Art: of the Treaty of Utrecht.

When I heard of this undertaking, I writ a letter of complaint about it, to the Commander in Chief in Canada, to which he after a long delay returned a very unsatisfactory answer, both

which I enclose to your Grace, as I do likewise the conferences I have had with the Six nations (who were but five formerly, but now by sending for the Tuscaroras from South Carolina are become six). By these conferences it will appear to Your Grace, that the Onnondages only who are one of the six nations, and who have not the property of the land at Niagara, consented to the French building a house there. But at the same time that the Sinnekes, another of the said nations, to whom the land belongs, have all along protested against it; and that all the six nations have unanimously begged me to interceed with His Majesty in the most pressing manner, that he would be pleased to demand the demolition of this fort, from the French King, and being contrary to the Treaty's and intended as they believe, to destroy the six nations, I therefore make my most earnest application to Your Grace, that you would obtain his Maj$^{ty's}$ directions, that strong instances may be made at the Court of France for this purpose, which I hope will be successfull at a time when there is so firm an alliance between the two Crowns.

I have annexed a duplicate of my letter to the Lords of Trade, where I have more minutely explained all the steps I have taken in this affair, and particularly that I have obtained a deed of surrender from the three nations adjoining to the Lakes, of all their lands to the King which never had been done before, and of which I send a copy enclosed.

I have likewise prevailed with the Assembly to raise three hundred pounds in their last sessions in order to enable me to build a Fort at the mouth of the Onnondaga River, on the side of the lake, in the Spring, in order to protect our trade with the Far Indians there, and to shew our own Indians that we will be ready to join in their defence, where there shall be occasion.

The little regard the French in Canada shew to the Treaty, might be proved by innumerable instances, but their commandants letter, which expressly deny's the Five nations to be the subjects of Great Britain is alone a sufficient proof of it. I hope that copy of the enclosed conferences and other papers will give full information to M^{r} Walpole upon what facts to ground his representation.

This is a matter of such consequence to His Maj$^{ty's}$ Dominions in North America that I humbly rely on Your Grace's obtaining such a redress, as the Treaty entitles this Province and the Six nations to, from the French, which can be less, than a demolition of this fort at Niagara.

I am with the greatest respect
My Lord
Your Grace's most dutifull
and most obliged humble servant
(signed). W Burnet.

P. S. I have sent a Map herewith wherein the names of places mentioned in the Indian Deed of surrender are marked in red Ink.—

Mr. Colden to Secretary Popple.

[New-York Papers, Dd., Nos. 85 + 86]

S

I beg your favour to lay the enclosed Memorial before the Lords Commissioners when the Act lately passed in this Province for the easier partition of lands held in common, shall come under their Lordships consideration.

As I am a member of the King's Council of this Province & Surveyor General of the Lands my duty I think requires me to enform their Lordships of some Matters which may be usefull to their Lord^{ps} in forming their Judgement how far it may be convenient or inconvenient to recommend this bill for his Majesties Approbation. This I have thought most proper to do by a letter to you without intermixing them with the other Arguments of my Memorial which perhaps may be left to be canvassed by Lawyers because they are of a different Nature & importance & will at the same time discover the reason of their Lord^{ps} being troubled with this Law at this time notwithstanding that a Law of the like Nature has twice or oftner been discountenanced by their Lord^{ps}.

The Assembly of this Province has allways granted the Revenue for support of Government for some certain number of years never exceeding five, sometimes for three and at other times for only one year, By this means the Administration often depends much on the humour of an Assembly for thereby not only the Officers become allmost entirely dependent on them but the Governor & Council likewise are frequently under such Difficulties in refusing or amending Bills that the Ballance designed by our Constitution to keep that House within Bounds I apprehend is very much weakned, How far this may in time affect the Dependancy of this Province on Great Britain their Lord^{ps} are more proper Judges than I am. But the consideration of this is of the more weight because this Province is scituated in the midst of Proprietary & Charter Governments where the Administration does not so immediately Depend on the Crown, & may allways be a usefull check upon them, And it is not unreasonable to think that these Difficulties have forced the Governors to fall upon the many Expedients to obtain a support which have not been well approv'd of in Great Brittain. They have occasioned the Paper Money in this Province & the passing Laws which have received his Majesties Disallowance. When men find themselves so very necessary it is natural for them to make the most of it for encreasing their own power. It seems that the Assembly has so often forced the Governor & Council to yield where they could save an ill appearance that the Assembly now thinks there is no longer any use in colouring their Desire of Assuming to themselves the sole Disposal of the Revenue and Publick Money by the Resolves of their house only. I omit the particular Instances because I make no doubt of the Governor's informing their Lord^{ps} of them. This Jealousy that the Assembly desires to encrease their Power beyond that which His Majesty has thought proper to entrust them with will appear not to be without some ground because these Votes and Resolves are made at a time when there is not the least complaint of any misapplication of the publick Money & indeed when there is not the least ground for such a Complaint for if there had it cannot be doubted but that they would have made use of so good a handle to introduce their claim.

I cannot see how attempts of this kind can be prevented or stop't without freeing the most necessary Officers of that Dependance they are now under for their dayly support. The Quit Rents I believe were at first designed for this purpose but former Governors among the other

Expedients they were forced to fall upon made use of the Authority given them of granting Lands to gratify the leading Men of the Country with very large Tracts so that the far greatest part of the lands in this Province are now in the hands of a few persons paying trifling Quit Rents as will more fully appear by a Map of this Province which I am preparing by the Governor's Order for their Lord^{ps} & by my Memorial which the Governor laid before their Lord^{ps} about five years ago.

These Vast tracts generally remain uncultivated while the people in other parts of the Province have for some time wanted land for their Children & have been Oblidged to send them into the Neighbouring Colonys. This began lately to raise a Clamour & uneasiness & made the Proprietors of these large Tracts affray'd of reassuming as once had been practised in this Government or that the Government might be enduced to enquire into these Grants which some people imagine are defective in some material points. One reason why these Lands have remain'd so long uncultivated is their having been granted in Common to rich men who looked upon them only as future Estates to their Children & had no thoughts of improveing them for their own use; By this Neglect and the Death of some of the Partners & removal of others beyond Seas a Partition of these Lands became very difficult which occasion'd a further Neglect 'till the Proprietors by the clamours of the people were rouz'd up.

Soon after this happen'd the Governor thought it necessary to dissolve the Assembly, The Proprietors of these Tracts with much assiduity got themselves elected & I suspect have proposed the passing of this Act as a mean to gain their favour while at the same time they take care to shew how necessary they are.

The ill consequences which I apprehend from this Bill, I have shown to their Lord^{ps} in my Memorial to them if it should be enforced by His Majesty's Approbation. I shall here give my conjecture of what may happen if it shall be disallowed of. In the first place it is probable that as the leading Men of this present Assembly are Proprietors of these large Tracts they may think it for their Interest to gratify the Government in any reasonable demands and give some Equivalent towards support of Government in place of the Quit Rents which may be supposed to be lost by these Grants on condition of haveing them confirmed & an easy method enacted for the partition of them. But on the other hand it is possible that they may think to force a compliance with their Desire by preventing any support of Government being granted the consequence of which may fall heavy upon the Officers & especially upon a Gentleman we all wish may be long easy among us. Now that I have stated the matter with as much Impartiality & Clearness as I am capable of their Lord^{ps} are the proper Judges what is most convenient to be done, & their Lord^{ps} Resolutions must regulate my Conduct & that of all the Officers for the future. I am, S^{r}

New York
Dec^{r} 4th 1726.

Your most obedient, humble Servant
CADWALLADER COLDEN.

P. S. I forgot to enform you that the King's Solicitor offer'd at the Council Table to draw a Bill which should be Effectual for the Partition of the lands now held in common & be free from the Exceptions taken to this Bill, but no Form would serve their purposes besides this.

To the Secretary of the Lords
Commissioners for Trade & Plantations.

Mr. Colden's Memorial against the Act for the Partition of Lands held in Common.

To the Right Honourable the Lords Commissioners for Trade & Pantations.

May it please Your Lordships.

Having thought it my Duty to Vote and Argue in Council against passing a Bill entituled, *An Act for the easier partition of Lands held in Common &c.* I have thought it my further Duty to lay before Your Lord^{ps} the reasoning that I made use of, at the second reading of that Bill, with litle or no Variation except what is necessary to make because of some Amendments afterwards made by the Council. My absence at the third Reading prevented my speaking to it at that time. If it shall appear to Your Lordships that I have reason to apprehend that the Effects of this Bill may tend to the disinherison of the King, & that it may give room to ill designing men to defraud their Neighbours, I need not make any excuse for this trouble & in hopes that Your Lord^{ps} will find it so I humbly submit what follows to your Lordships consideration.

The Design of this Bill is to substitute a New Method for the partition of Lands held in common within this Province in place of the usual & legal method by writ of partition, which new Method may in my Opinion, introduce so many Inconveniencies & give room to so much Fraud, that it ought not to be Enacted into a Law, for

1. His Excellency's Commission by which only the Governor, Council & General Assembly of this Province are empowred to enact Laws, requires that the Laws to be Enacted within this Province shall not be repugnant to, but as nearly agreable as may be to, the Laws & Statutes of the Kingdom of Great Brittain. I think it is one of the fundamental Laws of Great Brittain that no man shall be divested of his Right & Property, but by one course of Law, in the known Courts of Judicature, without his own consent. But by this Bill if enacted into a Law, the lands of many of his Majesties Subjects in this province shall be sold, alienated, severed, & their Properties altered, without their consent, or the Judgment of any Court. By w^{ch} method the Subjects will, in this case, be excluded from the Priviledge which the Law gives them in all other cases, of reversing any Judgement by writ of error, or other legal process, where the proceedings on which the Judgement is founded are erroneous, for no Writ of error can be founded upon the Extra judicial proceedings of private men.

2. If there be some particular cases in this Province that require a summary way of proceeding in the Partition of some particular Tracts, as some have alleged, it does not thence follow, that a General Law to reach all persons & all times, to come as well as present, should be enacted. The persons interested in these Tracts solliciting a General Law, when a private Act might as well have served their purposes, give reason to suspect that they do this to avoid his Majesties Instruction, that no Private Act be brought into the Assembly 'till publick notice has been given in the places where the præmisses in Question lye.

3. We may see in all Statutes any way affecting the property of Minors, persons beyond Sea, or of any person under any disability, the tender care of the Parliament, by inserting particular clauses in favour of such persons, to enable them to relieve themselves, after such disability shall be removed from any injury that may be done while they are incapable of acting for themselves. But the Design of this Bill seems to be, to debar such Disabled persons from such just & reasonable relief & may therefore encourage ill designing men to take advantage of such disability.

4. The major number of the Commoners chusing the persons to make the partition gives the major number a greater freedom to defraud the smaller number & persons under any disability, than if the partition were to be made by the Major number themselves, because with less danger of punishment or of shame. There is more reason to suspect this because the persons to be employ'd are only to be allowed four shillings by the day for their wages, For it is well known that in this country common tradesmen are usually paid Six Shillings a day for their labour, & that no man of Ability & skill will undertake that work, which must be accompanied with much fatigue & many hardships, at so low a rate, & therefore that only mean and ignorant people who have little regard to their Reputation will be Employ'd.

5. Thô the Bill says that the persons who are to make the partition shall be upon Oath, yet no form is præscribed or any devotion[1] giv'n relating to it, but is wholly left to the Justices of the Peace where the lands lye, who are most likely to be persons interested, & who in this Country are too generally illiterate & ignorant of the Law; Indeed the interposition of any Court, which can have cognizance of the titles of lands, is avoided by the whole scheme of this bill.

6. There are no particular directions for the manner of alloting every persons share, & therefore great latitude may be given to commit frauds, for every one knows how fraudulent many lotterys have been, & how carefull all Statutes which allow or direct them are, to guard against such frauds, for otherwise fraudulent Men under this colour will more boldly push their designs.

7. There is no method præscribed for ascertaining the Boundarys of the lands of which the partition is to be made; Many of these Tracts granted in common under trifling Quit Rents consist of more than one hundred thousand Acres each, & some of them above five hundred thousand as the Patentees are suppos'd to claim. I alledged at the Council Board & offer'd to prove, that the boundarys of many if not of all these Patents were expressed with much uncertainty (which the Members interested in those Patents did not deny) & therefore I mov'd on the King's behalf, that a clause might be added for ascertaining their boundarys which motion was not complied with. If the Patentees shall be allow'd to settle their boundarys at their own discretion I apprehended they would take an advantage of what was really a Defect in their Patents, to encroach upon the King's lands or the lands of his tenants holding small Tracts but paying considerable Rents, & some time ago many evidences were produced before the Council to prove an encroachment of near Seventy thousand Acres of land, made by the Patentees of some of these tracts. Tho it be true that such encroachment cannot give a legal title to the lands, it is the Duty of the Legislature to prevent Law suits, & not to encourage them, & the Inconveniencies which may in time arise may in effect debar the King of his right. For if the Patentees (as I beleive their Design is) should sell a great part of such large Tract, in small parcells, to many of his Majesties Subjects, the dispossessing so many families, who may purchase bona fide & for valuable consideration, would appear so great a hardship that the King would sooner loose his Right than disturb & distress his people.

8. By the common law the Partition of Lands held in common is understood to be in the nature of an Exchange, by which one man's shares warrants the others, but I apprehend the design of this Bill is to cut off such warranty, the Inconveniencies of which may be very

[1] direction? — Ed.

great, For this Bill having taken no care of the manner of allotting these shares, it may be so ordered by sinister means that the shares or lotts of minors & persons beyond Sea, or of other disabled persons, shall fall upon such lands as are or shall be obtained by encroachment on the King's lands, or the property of other persons, & tho they should be evicted of these shares they may (at least by the difficulties they must meet with) be debarred of that Relief which Law & Equity gives them.

9. The Words in this Bill intended by the Legislature to guard against Frauds if no real relief be given by them serve only to encrease the Jealousy of the ill use that may be made of the power given by this Bill to three private Men.

10. The last part of this Bill is to confirm the Partition of lands allready made within the several townships in this Province. If they be truely & fairly done they do not want this Law, if otherwise it is unjust to confirm them.

There has lately been one suit in Chancery complaining of a fraudulent partition of lands of great value in one of the Townships, & it cannot be known what other Complaints or Disputes may be, seeing there has been no notice given of the Intention of the Legislature to pass any Law of this Nature. I am of opinion therefore that this is too Sûmary a way of doeing justice & determining all differences, without hearing any of the parties, or so much as letting them know anything of our intention, & may introduce a Method of avoiding His Majesties Instruction above mentioned, by tacking a Private Act to a publick Law.

New York
Dec^{r} 4th 1726

CADWALLADER COLDEN.

Endorsed.

Rec^{d} Jan^{ry} 10th
Read March 10th } 172$\frac{6}{7}$

Governor Burnet to the Duke of Newcastle.

[New-York Papers (S. P. O.), No. 7, p. 179.]

New York 20th Dec^{r} 1726.

My Lord.

I have already had the honour of answering Your Grace's letter of the 7th of July last, on the 4th Inst: of which letter and of all the papers contained in it relating to the French and the Indians I have herewith enclosed copys—

I had writ to my Lord Carteret in 1722 that some inhabitants of New Jersey had a prospect of silver mines, but would make no discovery of them unless they could be assured what share they should be allowed in them, in case those mines were still in His Majesty.

The Lords of Trade to whom this letter was referred, have taken the opinion of the Attorney and Sollicitor Generall, which is, that these mines are still in the King, and did not pass to the Grantees of New Jersey.

I have not lately heard from these people nor can I give them any encouragement to make a discovery, unless Your Grace shall think fit to obtain his Maj^{tys} instructions to me, what share His Maj^{ty} will be pleased to empower me to offer to them in case of a discovery.

This is the first matter I mentioned to the Lords of Trade in my letter to them of the 19th inst: relating to the affairs of New Jersey, of which I herewith enclose a copy to Your Grace.

The next thing in my letter to their Lordps is, to press them to consent to the application of the interest arising upon the bills of credit in New Jersey to the current service of the Governt as the first interest, has already been; their Lordps have objected that such a variation from the first appropriation of the Interest which was to sink the bills, must hurt their credit, which apprehention I have endevour'd to remove by two certificates, one of the Merchants of New York, and the other from the Merchants of Amboy in East New Jersey, by which it appears, that the bills are in better credit since this new Act altering the application of the Interest has been made, for which reasons I hope Your Grace will be of opinion that such alterration may be safely made for the time to come, since the funds to sink the Bills, is compleat without it, and that it is thought very hard to lay new Taxes, upon the people, while there is so much money lying dead in the hands of the Treasurers of the Province.

I have likewise by this opportunity sent the acts past in New York on the 11th of Novr last, to the Lords of Trade with another letter of this date, explaining those acts, which I have enclosed to Your Grace.

This Assembly have made some resolves tending to lessen the usual salary's of the Officers of the Governt as the former Assembly had done, but the Councill were of opinion with me, that it was not reasonable to consent to such innovations, and accordingly we have continued the salarys as usual, except to the Officers employed in collecting the dutys, because their trouble is much lessened by the expiration of several of those dutys. Notwithstanding our differing with the Assembly in this point, they have gone through the rest of the business I had recommended to them readily enough, and particularly by enabling me to fortify at the mouth of the Onnondagas River in the spring. The rest of my letters to the Lords of Trade, relate to several accounts which they had demanded of me, which I have sent and explained to them.—

There is a vacancy in the Council of New Jersey, by the death of Mr David Lyoll, in whose room I beg leave to recommend to Your Grace Mr Cornelius van Horn, for His Majtys appointment whom I have likewise proposed to the Lords of Trade in my letter of the 19th inst: he being a person of a very good estate and every way well qualifyed—I am with the greatest respect

My Lord

Your Graces

Most dutiful and most obedient
humble servant
(signed). W Burnet.

Governor Burnet to the Lords of Trade.

[New-York (B. T.) XX., Dd., 27.]

New York 20 Decr 1726.

My Lords

I have in my last of the 4th Instant acknowledged the honour of your Lordships letter of the 24th of June last, upon the affairs of New York, as well as of that of the 28th of June last

relating to New Jersey, both which I am to answer at this time, by the ship Alexander. Dennis Downing master, which is the last opportunity that will offer before the Spring, so that I expect to hear of the receipt of this packet before any other vessel will go from hence for London. And I have herewith send Duplicates of all my letters and papers relating to the Indian Affairs, of which the first were sent on the 4th Instant by the ship Beaver, Mathew Smith master.

As to the difference of the accounts which I sent from hence, relating to the quantities of furs and skins exported and those of the Custom House in London, Mr Popple has sufficiently explained it in his letters to me of the 24th June last, since the manner of taking the account in New York by the quantitys of cases, hoggsheads casks & packs, cannot be so exact as the computation of the quantities of the species of goods themselves, which was done at the Custom House in London. But there being but one Clerk in the Custom House here, and he being fully employed in the constant business it was not possible to get so particular an account ready in time, and therefore I was in hopes that an account of the quantities of the package which could be soon made ready, might come near enough to the truth to answer the end of an estimate. However if any further accounts of this kind shall be wanted I will order them to be made out in the same method with the Custom House accounts in London But your Lordships will perceive by my letter of the 14th of October last, that I have been obliged by the evasions of former laws by the people of Albany and by finding Your Lordships were not pleased with the severity of the oaths, to put that matter into a new method and instead of a prohibition, to lay only a higher duty on goods carried to Canada, as appears by the Acts of Assembly passed in New York on the 17th of June last, which I transmitted to Your Lordships by the Ship Duke of Portland, Michael Thody master, on the said 14th of October.

I send your Lordships herewith an account of Negroes imported to New York since 1700. which is all that could be found. There are bonds here in the Custom House for those that came directly from Africa, but no Agent of that Company has been of late appointed to demand their dues, which possibly it may be a favour in your Lordships to let the Directors of that Company know, that they may employ some body to demand their ten pr Cent.

If I get the account from East New Jersey before this vessel sails, I will likewise enclose it. There are few Negroes, if any, imported in West New Jersey, but it is not possible for me to get an account from thence to be sent by this opportunity; but I shall obtain it as soon as can be.

I am now to give your Lordships an account of the Acts past in New York on the 11th of November last, which I now enclose to Mr Popple, engrossed on parchment and sealed.

1st An Act for explaining an Act to lay different duty's on the goods therein mentioned, and for regulating the Indian Trade in the City and County of Albany, for the term of two years, & for moderating and ascertaining the fines incurred by former Acts, if paid within the time limited in this Act.

The Act here explained was past in June last, but has been found to be defective in providing against many evasions that have since been found out to avoid it, so that it was necessary to make it stronger and more effectual by the present Act, & as the people of Albany have long been used to practise a clandestine trade by the help of the Indians, it is very difficult to detect them, and to bind them any way to observe the laws in force, without making it their interest to discover one another; which is the scheme upon which this Act & the former are contrived.

2 An Act for striking Bills of Credit to the value of three thousand pounds, and putting them into the Treasury to be exchanged for shattered torn and defaced Bills, struck and issued by vertue of severall Acts.

This Act is not at all to encrease the quantity of Bills of Credit, but only to exchange them; which is absolutely necessary, since the Bills of the smallest value are so often passed from hand to hand that they are soon worn out, so as to be unfit for use.

3. An Act for regulating and securing the Indian Trade to the Westward of Albany and for defraying the charge thereof.

This Act is intended to enable me to build a Fort and lodge twenty soldiers with an Officer in it, upon the mouth of Onnondaga River; but because it might be of ill consequence to give the French notice of it till it is done, I thought it proper that it should be expressed in general terms and that only a trading house should be mentioned. It was likewise intended to prevent the frauds usually committed in the trade with the Indians, by a Commissary, who has power by this Act to do justice to the Indians on their Complaint. I hope by these measures that the trade on the Lake will improve every year more and more, as it has done hitherto, notwithstanding all the French have done, for they have not yet thought fit to attempt to stop the far Indians by force from passing to us, and when they do they will have a difficult task of it.

4. An Act for the easier partition of lands held in Common, and promoting the settling and improvement thereof, and for confirming former divisions in the settled townships of this Colony.

It is certain that several familys have left this Province for many years past because they could not find lands to purchase here, with a good title; because they are mostly held in Common, & remain yet undivided. This Act is conceived in terms less lyable to objections than any of the former. However as I observed that an Act of this Province past in October 1718. for an easier partition of Lands held in Joint Tenancy and in Company, had been disallowed at home on the 9th of July 1719; I would not give my Consent to this Act without a clause, *providing that this Act nor any thing therein contained shall be of force, untill His Majesty shall be graciously pleased to give his Royal approbation thereto.*

5. An Act for reviving an Act for Regulating and returning able and sufficient Jurors in tryals at law.

6. An Act to prevent Desertion from His Majesties forces in the Province of New York.

It was grown so frequent for Masters of Vessels to carry off the souldiers into other Colonies that I could not hinder their desertion without preventing that abuse.

7 An Act to appoint an Agent for the Colony of New York, at the Court of Great Britain, for the time therein mentioned.

They have agreed to appoint Mr Peter Le Heup at my recommendation, though I could not get him to be appointed at this time for more than one year. He had hitherto acted upon a resolve of the Assembly only. I hope he is acceptable to Your Lordships, which is the chief consideration that will make him answer my expectations.

8. An Act to impower the Justices of the Peace of the County of Albany living or dwelling in the township of Schenectady in the said County, to regulate the streets and Highways, and to prevent accidents by fire in the said Town.

9. An Act for explaining an Act of the General Assembly of this Province made in the seventh year of His Majesties Reign entituled An Act for regulating fences for the several

Citys and Countys within this Province of New York, for making the same more beneficial for the township of Schenectady in the County of Albany.

10. An Act to encourage the destroying of Foxes and Wild Cats in the County of Queen's County, within this Province.

11. An Act for destroying Wolves in the County of Albany, Dutchess County and Orange County.

12. An Act for laying out and clearing of the Highways from the East side of Kaghnawage Creek, where it falls into the Mohauk's River, so far as the Christian Settlements at present do extend, and for breaking up the Road in the winter time from Schohare to a place called the Verbergh.—

I have given Your Lordships my reasons for dissolving the last Assembly, in my letter of the 14th of October last, and the necessity of making provision for a Fort on the Onnondaga River obliged me to meet the new Assembly this fall. Your Lordships will find by their resolves of the 7th of October and their address of the 13th that they were inclined to follow the steps of their predecessors, in lessening the salarys of some of the officers of the Government, by their own authority. But I gave them no other answer except *that I would advise with the Council about it*, who accordingly as I expected were unanimously of opinion that the Assembly were encroaching on the undoubted right of the Governour and Council, as appears by their minutes of the 21st of October last. The Assembly however enquired no more after it, and chearfully went through their other business; and I have since issued warrants in Council on the 24th day of November to all the Officers of Justice as usual, contrary to the resolves of the Assembly; but I have moderated the salarys of the Officers of the Revenue, because the dutys on merchandize are not near so many as before, and consequently the trouble of the Officers is considerably lessened. I have hereby engaged myself in a contest with the Assembly to support His Majesties Prerogative, which I am resolved to do at the risk of their dissatisfaction, though it should be ever so much against my private interest; and I hope Your Lordships will think my conduct herein worthy of your approbation.

I now send your Lordships the Treasurer's attested account of the Receipts and Payments of the Revenue during his time, for the Province of New York, and to explain it, I have likewise sent a list of all those particular warrants which he has mentioned in a few sums, as they have been taken out of the Book of Warrants in the Secretary's Office, the totall of which agrees exactly with the totall of all the sums said to be paid upon Warrants in his accounts. The sums there said to be paid on the Resolves of the Assembly were dutys which the Merchants had paid on their own wrong, which appearing to be so to the Assembly, they gave their opinion that they ought to be returned to them, as they accordingly were.

I likewise send the Receiver General's account of Receipts and Payments on the Quit Rents, during his time: as also the Accounts of the Store Keeper at New York, and the Commanding Officers of the Forts at Albany, Schenectady and Fort Hunter, of the states of the several Forts. All which accounts are sent according to your Lordships directions to me by Mr Popple in his letter of the 1st Octr 1725.

There remain still the account of the inhabitants of New Jersey and the Map of each Province, and the account of the Courts of Judicature and Patent Officers and their Deputys, which I could not get compleat, but hope to send them in the Spring, and then I shall have, I think, fully answered your Lordships commands in the said letter from Mr Popple.

I likewise enclose to Mr Popple the minutes of Council from the 14th of Octôb. to the 24th of November last, and the printed votes of the last Assembly that ended the 11th of Novêmb. together with the printed Acts of that Session.

I have just received an account of Negroes from the Collector of Amboy, which I likewise enclose to Your Lordships. I am with great respect

My Lords,

Your Lordship's most dutifull
& most obliged humble Servant
W. Burnet.

Account of Negroes Imported into New-York from 1700 *to* 1726.

[New-York Papers, Dd., 32.]

An Acco[t] of what Negro Slaves have been Imported into His Majesties Province of New York as taken from the Custom House Books between the year 1701 and this present year 1726.

YEAR	From the West Indies	From the Coast of Africa	
1701	36		
1702	165		
1703	16		
1704	8		
1705		24	
1710		53	
1711		55	
1712		77	
1714	53		
1715	17	38	
1716	19	43	
1717	68	266	
1718	447	70	
1719	104		
1720	81		
1721	76	117*	*Entered from the Coast of Africa but found afterwards to have been from Madagascar
1722	106		
1723	82		
1724	61		
1725	54	59	
1726.	180		
	1573	822	2395 Totall.

N B. That all the Negroes in the foregoing Account have been Imported by Private Traders and that none have been imported during that time by the African Company.

New York. 16 Decembr 1726. Archd Kennedy Collr

Lords of Trade to the Duke of Newcastle.

[New-York Entries, K., 399.]

To His Grace the D. of Newcastle.

My Lord,

It has always been esteem'd a matter of great consequence to the British Interest in America, to preserve the alliance and dependance of the five Indian Nations bordering upon New York and to prevent their affections from being allienated from us by the French who have made frequent attempts for that purpose, & have lately prevailed upon some of them by surprize to allow the French to build a Fort at Niagra, which if not spedily removed will be very detrimental to the five Nations and consequently to us.

Your Grace will perceive by the extracts of the conference between M^r^ Burnet and the Sachems of the Indians, as well by the Copies of Several papers which we send inclosed for your further information, that the Indians think themselves unjustly treated upon this occasion and expect redress therein from his Majesty's interposition in their behalf.

In our humble opinion it is highly necessary for his Majesty's Service that these Nations of Indians should be convinced that they may expect to be protected by Great Britain so long as they continue firm in their attachment to us, and it may be necessary to acquaint your Grace that the French have in this proceeding acted contrary to the 15 Article of the treaty of Utrecht Wherefore we must intreat your Grace to obtain his Majesty's orders for his Minister at the French Court, to make application for redress which cannot be effectual unless the said Fort be demolished. We are

My Lord

Your Graces

Most obedient &

most humble Servants

J. Chetwynd

P. Doeminique

T. Pelham

M. Bladen

E. Ashe

R. Plûmer

Whitehall

Jan: 11. 172$\frac{6}{7}$

Secretary Popple to Governor Burnet.

[New-York Entries, K., 404.]

To W^m^ Burnet Esq:

Sir,

My Lords Com^rs^ for Trade and Plantations have lately had under their Consideration your letters of the 2 of June, 14 of October, 4 and 20 of Dec^r^ last, and have read your letters to me of the 2 and 25 of June, 14 Oct^r^ and of 20 of Dec^r^ last, as also the publick papers therein

inclosed which their Lordps have commanded me to acknowledge the receipt of as also to acquaint you in relation to the Acts you sent over under the seal of the Province that they expect them for the future carefully abstracted in the margin, according to your instructions.

My Lords have observed by your letter of the 2 of June that the Sherifs have never accounted for the fines and forfeitures which they have received, I am therefore commanded to acquaint you that altho' tis possible there may be a balance due to them from the King for their services on his account out of the sd fines and forfeitures yet there is no reason why they should not account for what they receive, and therefore their Lordships expect you will require an account from them

My Lords Commissrs have sent an extract of your letter of the 4 of Decr and of the papers therein inclosed in relation to the Fort built by the French at Niagara to his Grace the Duke of Newcastle and hope you will soon receive his Majtys directions thereupon.

I have sent by their Ldsps orders the several publick Acts passed at New York to Mr Fane one of his Majesty's Council for the service of the Board of Trade for his opinion thereupon in point of law and so soon as their Lordsps receive the same they will take them into their considerations. I am

Sir

Whitehall
March 2. 172$\frac{6}{7}$

Your most humble Servant
Alured Popple

Instruction to Governor Burnet in regard to Appeals.

[New-York Council Minutes, XV., 162.]

Additional Instruction for our Trusty & welbeloved William Burnet Esq: Captain General & Governor in Chief of Our Province of New York, and the Territories depending thereon in America, Given at Our Court at St. James the Twenty third Day of March 172$\frac{6}{7}$ in the Thirteenth year of our Reign

George R

Whereas by the 85th Article of our Instructions to you, We did declare Our Will & Pleasure in manner following Vizt "That appeals be permitted to be made in Cases of Errors from the "Courts in Our said Province unto You and the Council there & in your absence from Our said "Province, to the Commander in Chief for the time being & the sd Council in Civil Causes "wherein such of our said Council as shall be at that time Judges of the Court from whence "such appeal shall be made to you Our Governor and Council or to the Cômander in Chief "for the time being & Council as aforesaid, shall not be admitted to vote upon the said "appeal; But they may nevertheless be present at the hearing thereof to give the reasons of "the Judgement given by them in the Cause wherein such appeal shall be made, Provided "nevertheless that in all such appeals the Sum or Value appealed for, do exceed one hundred "pounds Sterling & that Security be first duely given by the appellant to answer such "charges as shall be awarded in case the first Sentence be affirm'd; And if either Party shall

"not rest satisfy'd with the Judgement of you or the Cõmander in Chief for the time being "and Council as aforesaid Our Will & Pleasure is, that they may then appeal unto us in Our "Privy Council, Provided the Sum or Value, do exceed three hundred Pounds Sterling and "that such appeal be made within fourteen days after sentence & good Security given by the "Appellant that he will effectually prosecute the same, and answer the Condemnation, as also "pay such Costs & damages as shall be awarded by Us in case the sentence of You or the "Cõmander in Chief for the time being and Council be affirm'd, Provided also that "execution be not suspended by reason of such appeal unto Us, in any Case where a "Judgement first given by an inferiour Court in Our said Province shall have been confirm'd "by the Gov^r & Council there." And Whereas it has been represented to Us that by the immediate issuing of Execution while an Execution hath been depending before us in our Privy Council great inconveniences have arisen, where the Appellant hath become insolvent or hath withdrawn himself and his effects from that Province before our Pleasure could be known on such Appeal and our orders for reversing the decree or Judgment Appealed from, and for making restitution of the Estates or Effects, which had been taken under the same have been rendered ineffectual and the Appellant left without any Redress; Now for preventing the like mischief for the future, It is Our Will & Pleasure, that in all Cases where by your Instructions you are to admit Appeals to Us in Our Privy Council, Execution be suspended notwithstanding the said Proviso until the final Determination of such appeal unless good & sufficient Security be given by the Appellee, to make Ample restitution of all that the Appellant shall have lost by means of such Judgement or Decree, in case upon the determination of such Appeal, such Decree or Judgment should be reversed, & Restitution awarded to the Appellant

G. R.

Governor Burnet to the Duke of Newcastle.

[New-York Papers (S. P. O.), No. 7, p. 180.]

New York May 9^th^ 1727.

My Lord.

I have the honour of Your Graces letter of the 18^th^ Jan^ry^ last, enclosing one from My Lord Clinton, which was the first I had received from his Lord^p^. His former letter it seems had miscarried in my Brother's of April 1726, which was lost in a ship bound for this port, but taken by the Moors, and carried into Sallé, In which I lost a packet likewise from M^r^ Le Heup, enclosing a warrant he had obtained from Your Grace, appointing M^r^ Kennedy of His Maj^tys^ Council here, of which he has since been obliged to obtain a duplicate certified by one of Your Grace's clerks.—

If I had received His Lord^ps^ commands before, I should not have failed to have acquainted him with my proceedings by the first opportunity as I have now done in the enclosed.

I shall be very glad to be able to serve His Lord^p^ in making the affair succeed by consent of party's. But I have informed His Lord^p^ that I can not be concerned in the prosecuting part, being obliged to receive all causes before me and the Council by way of appeal from the

Courts of Law, and being obliged to hear them in Chancery, if matter of equity is alledged. But I have recommended proper persons to be entrusted by His Lordship.

I believe Your Grace will think it wholly improper for me to make myself a party since I may be obliged to act as Judge, and therefore that I have done all that I could do to serve My Lord Clinton, and in obedience to Your Graces commands, for which I shall always have the highest regard, being with the greatest respect

My Lord

Your Graces

Most dutiful and most obliged
humble servant
(signed). W BURNET.

Governor Burnet to the Lords of Trade.

[New-York Papers, Dd., 41.]

New York May 9th 1727.

My Lords.

I have an account from my Correspondent whom I ordered to enquire about it, that my packet by the last ship that sail'd from home last winter was safely delivered to Mr Popple, which makes it needless to send Duplicates of it, as I had done of all the former.

I now send Your Lordships an account of all the Inhabitants of New Jersey, as they were taken by the Sheriffs of the several Countys, They are about three quarters of the Inhabitants of New York, of whom I have already transmitted an account.

I have this Spring sent up workmen to build a stone house of strength at a place called Oswego, at the mouth of the Onnondage River where our principal Trade with the far Nations is carried on. I have obtained the consent of the Six Nations to build it, and having Intelligence that a party of French of ninety Men were going up towards Niagara I suspected that they might have orders to interrupt this work, and therefore I have sent up a detachment of sixty Souldiers with a Captain and two Lieutenants, to protect the building from any disturbance that any French or Indians may offer to it. There are besides about two hundred traders now at the same place, who are all armed as Militia, and ready to join in defence of the Building and their Trade, in case they are attacked; The French can have no just pretence for doing it, but their lately building a Fort at Niagara, contrary to the last Treaty makes me think it necessary for us to be on our guard against any attempts they may make.

When the house is finished it will be sufficiently strong against an Attack with small arms, which is all that can be brought thither, and I intend to keep an Officer and twenty men always in Garrison there, which will be of the greatest use to keep our Indians true to us, it being near the center of all the Six Nations, and lying most conveniently to receive all the far Indians who come to trrade with us.

My Lord Bellomont formerly intended to build a Fort by King William's order, near this place, and it went so far that even plate and furniture for a chapple there, were sent over from England, but the Design was laid by upon his Death, and has never been resumed since 'till now

The Assembly provided three hundred pounds last fall for this Service, of which I then acquainted Your Lordships, but I have been obliged to lay out more than double that value upon my own credit, to furnish Necessaries and Provisions, and hire workmen, and make Battoes to carry up the Men, for it is all Water carriage from our outmost Town called Schenectady to this place, which is about two hundred miles, except five miles, where they must draw their Battoes over Land, which is easily enough done, and this makes the communication much more convenient than by Land.

I hope the Assembly will supply this Deficiency when they meet, but I was so convinced of the benefit of the undertaking that I was resolved not to let it fail for want of a present supply of money.

I am
with great Respect,
My Lords,
Your Lordships most dutifull
and most obliged humble Servant
W. BURNET.

Endorsed
Rec[d] July 3[d]
Read Sept[r] 20

Census of the Province of New Jersey. Anno 1726.

[New-York Papers (S. P. O.), No. 7, p. 183.]

An account of the Inhabitants of the Province of New Jersey, distinguishing their age, sex and colour, taken in the Year 1726.

	Names of Countys.	WHITES.				Total of Whites	NEGROES.				Total of Negroes	Total of Both
		Males above 16.	Females above 16.	Males under 16.	Females under 16.		Males above 16.	Females above 16.	Males under 16.	Females under 16.		
An account of Inhabitants of New Jersey 1726.	Middlesex	953.	878	1016	859.	3706	90	73	73	67	303	4009.
	Essex	992	1021	983	926	3922	92	78	70	68	308	4230.
	Monmouth	1234.	1061	1095	1056	4446	170	90	88	85	433	4879.
	Somerset	582	502	403	405	1892	126	96	87	70	379	2271.
	Bergen	569	509	556	547	2181	173	121	100	98	492	2673.
	Burlington	1080	983	965	844	3872	86	63	53	55.	257	4129.
	Hunterdon	892	743	851	750	3236	43	45	32	21	141.	3377
	Glocester	608	462	526	529.	2125	32	21	24	27	104	2229
	Salem	1060	861	1015	891.	3827	52	38	35	25.	150	3977
	Cape May	209	156	148	141	654	8	5	1	..	14	668
	Total	8179	7176	7558	6948	29861	872	630	563	516	2581	32442.

Governor Burnet to the Duke of Newcastle.

[New-York Papers (S. P. O.), No. 7, p. 181.]

New York. 10th May 1727.

My Lord.

I send Your Grace enclosed a list of the Inhabitants of New Jersey as I did last summer a list of those of New York.—

I acquainted Your Grace last fall that I had obtained an allowance of three hundred pounds of the Assembly of New York, in order to build a small fort, and keep a Garrison among the six nations at the mouth of the Onnondages River, at a place called *Oswego* by the Indians—

I have accordingly this Spring obtained the express consent of the Indians to it, and have sent up workmen and all necessaries for a building of a strong stone house, and upon advice that a party of French of ninety men were ordered from Montreal to Niagara, I suspected that they might be ordered to interrupt this work, which made me send a detachment of sixty souldiers to the place who with about two hundred traders who are now there, and armed as Militia, will be sufficient to protect the building till it is finished, and then I intend to post an Officer and twenty men, which will be enough to defend it against small arms which is all that can be brought against it in that place.—

The French have certainly no pretence either to object to or hinder this building among our own six nations, but as they have already built a Fort themselves on the Indians land contrary to Treaty, and have denied that the six nations belong to us more than to themselves, nobody can tell, what they may attempt, and therefore I thought it necessary to be prepared on the defensive, but have given very express orders to begin no attempt upon them, tho' they should come thither, nor even to be provoked to it by ill language, but only to defend themselves in case the French or their Indians attack them, or disturb the work by force.—

I shall be able by the next opportunity to inform your Grace if anything extraordinary happens on that side, being always with the greatest respect

My Lord

Your Graces

Most dutiful and most obliged
humble servant
(signed). W Burnet.

Governor Burnet to Secretary Popple.

[New-York Papers, Dd., 42.]

New York. 12th May 1727.

Sir.

I send herewith the account of the Inhabitants of New Jersey, which I could not get sooner. The Map of those Provinces is not yet ready, but shall be sent in the Fall, The Surveyors say it is very difficult to make anything of an Exact one, the surveys that have been made often

lying at a distance from any others, that the Connexion between them must often be guess work. This they are endeavouring to correct as well as they can, by all the Observations they can gather from their predecessors' papers, so that it is no wonder it has taken time.

I am very sorry to learn from M^{r} Le Heup that the Lords are not disposed to give leave to apply the Interest Mony to the current service in New Jersey. Nothing is more certain than that the mony has been rising in its value ever since the last Act applying it so fast here, and their Lordships' letter disapproving it could have no part of that effect, for it was not known to any when those Certificates were taken, but to a few to whom I told it, and there was no alteration followed upon my telling it. I have been forced to adjourn the Assembly from the Spring 'till after harvest, and do'nt expect to meet them on any good humour, since they must meet at their own charge, which they are not at all used to do. I wish their Lordships may alter their Opinion by that time upon what I have already writ to them, to which I can add nothing but what I now tell you, being unwilling to importune their Lordships upon a point to which they shew a dislike, I am, Sir,

Your most obedient humble Servant.

New York 19th June 1727.

Sir.

Above is a copy of my last by the New Beaver, Tho^{s} Smith Master. I have a few days ago received their Lordships letter of the 2^{d} March last, relating to the affairs of New Jersey, and your own of the same date, relating to New York, both which I intend to answer by a Ship that will sail a fortnight hence. I have enclosed Duplicates of all my letters and papers sent by the New Beaver, in this packet, which comes by the Prince Frederick, Peter Waye Master, I am, Sir,

Your most obedient humble Servant.

W. Burnet.

Endorsed

Received 10th August } 1727.
Read, Sept^{r} 20th }

Governor Burnet to the Lords of Trade.

[New-York Papers, Dd., 43.]

New York. 29th June 1727.

My Lords.

I have M^{r} Popple's letter of the 2^{d} of March last, relating to the Affairs of New York, by Your Lordships' direction and shall take care that the Acts be abstracted in the Margin for the future, as Your commands to me signify.

I have likewise ordered the Sheriffs of each Province to bring me in their accounts of fines and forfeitures, and how they have disposed of them, with all Convenient Dispatch. I send your Lordships an account of all the fines and forfeitures, which are come to the Receiver General's hands, and which I did not remember till I lately observed it, that he kept under that title, they being more properly Accounts of seizures, but this is perhaps part of what my Instructions mention under the head of fines and forfeitures.

The Province is much obliged to Your Lordships for representing the French building a Fort at Niagara, and in order to obtain Redress the same Fort which I have been building at

the mouth of the Onnondages River called Oswego this Spring goes on successfully hitherto, and without any Interruption from the French or their Indians, and with the full consent and approbation of our own Indians.

The Detachment of Souldiers which I sent to up arrived safely there in the beginning of this Month, so that it is not likely that any attempt will now be made to hinder it, and I depend upon its being of the best use of any thing that has ever been undertaken on that side either to preserve our own Indians in our Interest, or to promote and fix a constant Trade with the remote Indians.

I observe that Your Lordships have referred the Acts of this Province to Mr Fane, I hope they will not be found lyable to any objections, and then I am confident they will soon have Your Lordships approbation which will be the greatest means of keeping the Assembly in good humour.

I shall observe Your Lordships Commands in every Particular, and am with great Respect. My Lords

Your Lordships most obliged
and most obedient humble Servant
W. Burnet.

Recd Augt 26th
Read Septr 20th } 1727.

Governor Burnet to Secretary Popple.

[New-York Papers, Dd., 39.]

New York 30th June 1727.

Sr

I have by this Vessell called the Alexander, D. Downing Master, answered their Lordships' letter of the 2d of March, and in Another to them I have answered Your's of the same date, containing their commands relating to New York.

I hope I shall succeed in prevailing with their Lordships to take off their prohibition to me about applying the Interest money in New Jersey.

I find the Members of that Province so uneasy at the thoughts of meeting at their own costs, that I am very unwilling to meet them in such an ill humour, I have had experience formerly of the Effects of such a Disposition, and for that reason am the more unwilling to be plagued with it again.

I send herewith the Naval Officers' Accounts for New York, from Michaelmas to Lady Day last, and those for Perth Amboy from Midsummer 1726 to Christmass last, I having nothing more to add at present, but that I am, Sir,

Your most obedient humble Servant
W. Burnet.

P. S. I shall lay out this Fall to get the seeds & Cones desired by my Lord Westmoreland, of which with my duty I desire you to inform his Lordship, whom I intend to trouble with a line when I send the things.

Endorsed

Recd Augt 26th
Read Septr 13th } 1727.

Lord Townshend to the Lords of Trade.

[New-York Papers, Dd., 86.]

Whitehall August 12th 1727.

My Lords.

His Majesty having been pleased to appoint John Montgomery Esqr to be Governor of New York and New Jersey in America, in the room of William Burnet Esqr it is His Majesty's pleasure that the Draughts of his Commissions and Instructions may be prepared in order to be laid before His Majesty, for his approbation.

I am,
My Lords,
Your Lordps most humble Servant
TOWNSHEND.

The Lords Commrs of Trade.

Lords of Trade to Lord Townshend.

[New-York Entries, K., 409–437.]

To the Right Honble the Lord Viscount Townshend

My Lord

Having in obedience to his Majesty's Commands signified to Us by your Lordships letter of the 12 instant prepared the draughts of Commissions for John Montgomery Esq: to be his Majesty's Captain General and Governor in Chief of the Provinces of New York and New Jersey in America, in the Room of William Burnet Esq: we take leave to enclose the said Draughts to your Lordship with our representation thereupon which you will be pleased to lay before his Majesty

We are
My Lord
Your Lordships
most obedient and
most humble Servants
J. CHETWYND
MARTIN BLADEN
ORLANDO BRIDGEMAN
WALTER CARY

Whitehall
Aug: 23. 1727

Lords of Trade to the King.

To the KINGS MOST EXCELLENT MAJESTY

May it please Your Majesty

In obedience to your Majesty's Commands signify'd to Us by the R^t^ Hon^ble^ the Lord Viscount Townshend's letter of the 12 instant We have prepar'd the Draughts of Commissions for John Montgomery Esq: to be our Captain General and Governour in Chief of the Provinces of New York and New Jersey in America in the Room of William Burnet Esq: which being in the usual form we herewith humbly lay the same before your Majesty, and are preparing the necessary instructions for the s^d^ M^r^ Montgomery, for both those Governments, with all possible dispatch

Which is most humbly submitted

J. CHETWYND
MARTIN BLADEN
ORLANDO BRIDGEMAN
WALTER CARY[1]

Whitehall
Aug: 23. 1727

Governor Burnet to the Duke of Newcastle.

[New-York Papers (S. P. O.), No. 7, p. 192.]

New York 24^th^ Aug: 1727.

My Lord

Upon receiving by a private hand the printed Proclamation and Declaration of His present Maj^ty^, on the 20^th^ inst: I did on the 21^st^ proceed to proclaim His Maj^ty^ King George the second with the usual solemnities at New York, and am now going to the City of Perth, Amboy, in New Jersey to do the same

I have now finished the strong house at Oswego on the Land of the five nations but have lately received a summons which was sent to the commanding Officer there from the Governour of Canada, to demolish and abandon it in 15 days. He at the same time sent the Governour of Trois Riviers, the third person in rank in Canada, to me with a letter, which I enclose to your Grace, with my answer both in French, together with translations of both into English, and a copy of the summons as it was sent both in French and English.

This Gentleman proposed that the decision of it should be left to the two Crowns, to which I agreed, but in the mean time he would have it abandoned, to which I could by no means agree, since our right to it is undisputable.

These letters which I enclose, together with the letter of this date which I have writ to the Lords of Trade, and of which I send a copy to your Grace, contain the whole argument on both sides, and I hope your Grace will be of opinion, that the French are without any just pretence in their demand: and that this step which I have taken to secure the Five nations to the British interest, will deserve your Grace's favourable representation to His Maj^ty^, who will

[1] For Governor Montgomery's Commission, see *post* p. 834. — ED.

I am perswaded, in his great wisdom take this province and the Five nations dependant on His Crown, into his most Gracious protection against all attempts of the French of Canada, so contrary to Treatys and all right.

The unwillingness of the French, to name Commissaries, and their constant encroachment upon us, are very notorious and dangerous, in the mean time I have doubled the garrison, and sent stores and provision sufficient thither, and as I am informed, the French cannot bring great cannon to batter it, I am in hopes to maintain it against them, and that Your Grace will obtain His Majᵗʸ's approbation of what I have done—I am with great respect

My Lord

Your Grace's

Most dutiful and most obliged

humble servant

(signed). W Burnet.

26th August 1727.

My Lord.

I have received from Your Grace His late Majesties additional instruction of the 23rd of March last. I have yesterday proclaimed His Majesty in the City of Perth Amboy in New Jersey, with the usual solemnity. I hope Your Grace will favour me with your Protection and recommend me to His Majᵗʸ, to be continued in these Governments: since no complaints lye against me, and that I have not been wanting to do what service lye in my power, to strengthen the British Interest with the Indians, I hope I may not be wholly unworthy of His Majesty's favour, and of Your Grace's Recommendation, being with the greatest respect

My Lord—

Your Graces,—

most dutiful and most obliged humble servant

(signed). W Burnet.

Governor Burnet to the Lords of Trade.

[New-York Papers, Dd., 47.]

New York 24th August 1727.

My Lords.

I received on the 20th Instant the Confirmation of the News of His late Majesties death and the printed Proclamation of his present Majesties Accession, together with His Most gracious Declaration; Upon which on the 21st Instant I proclaimed His Majesty King George the Second with the usual solemnitys at New York, and am going forthwith to do the same in New Jersey.

I had News that the Fort which I have been building this Spring at Oswego, at the mouth of the Onnondages River, was upon the point of being finished, when at the same time I learnt by an express that the Governour of Canada had sent a summons to the said Fort to have it Demolished and abandoned in 15 days, copies whereof in French and English both as they were delivered to the Commanding Officer there, are herewith transmitted. Soon after my

receiving this Summons arrived here the Governour of trois rivières in Canada, who is next in rank to the Governour of Montreal, as he is to the Governour General of Canada. This Gentleman with his Attendants was sent by the Governour of Canada to deliver a letter from him to me, and to perswade me to abandon this Fort for the present, and to leave it to be afterwards settled between the two Crowns, who had the Right to that place. I agreed to leave it to be decided between the two Crowns as he proposed but in the mean time thought myself obliged to hold and maintain it.

I have enclosed Copies of the Governour of Canada's letter to me in French and my answer to him in the same language, together with my own translations of both letters, wherein Your Lordships will find the whole Argument stated on both sides. There is no variation between the French & English but what was necessary to be made according to the different Translations of the Treaty from the Original Latin, but I think my Argument holds equally in either translation, and as strongly in the Latin as in either.

Your Lordships know very well how backward the French have been to name Commissaries, and in the mean time if they are permitted they would seize upon every thing. But this new house at Oswego will make a stand that will Embolden our five nations, and will not easily be taken without great Cannon, the wall being four foot thick of large good stone, and it is represented to me that the French cannot bring large cannon against it, since they have no way but to come up from Montreal to the Lake against a Violent Stream, all full of Rifts and Falls and Shallows, where they are forced to set up with poles most part of the way in light Canoes or Battoes, and if they had cannon to carry, it is thought they could not set them along, and by land it is all over precipices and Mountains, and rivers to cross on both sides of the great River, so that it is not beleived practicable for them to bring battering cannon any way. The French have a Fort on the Lake of Cataraqui, where the biggest Guns they have are patereros, that one man can carry about in his Arms. So that probably they could bring no bigger thither.

I have had a report from some New England captives lately redeemed from Canada that the Governour of Canada was preparing 400 French and 800 Indians to attack this Fort. But there is reason to beleive that this is more given out to intimidate us than really intended, and when I charged the Governour of trois Rivières with it he utterly denyed it, but I thought I had ground enough to hint at it by way of Reproach in my letter tho' without asserting it positively. However if they should come we are provided with a double Garrison at Oswego, provisions for six months and Powder and Ball sufficient for their Defence, and I have sent proper persons among our five Nations withe presents to them to engage them to stand by us, and not to suffer any Indians to molest us upon their Lands, as we shall be ready to defend our selves against the French, So that I am in good hopes to be able to hold this place, in case we are attacked, and I hope Your Lordships will support me in taking these measures for securing Our right to the five nations against the Encroachments and Pretensions of the French, and represent the whole affair to His Majesty, both of the French building at Niagara, contrary to the treaty of Utrecht, and of their disturbing our undoubted right of Trading and building upon the land of the Five Nations at Oswego. I am with great respect, My Lords,

Your Lordships most dutifull
and most obliged humble Servant
W. Burnet.

26th August 1727

My Lords,

I have Yesterday proclaimed His Majesty in Perth Amboy in New Jersey with the usual solemnities, I hope I may depend on Your Lordships favourable Recommendation to His Majesty: I know of no complaints against me, nor any ground for any, nor of any that ever were made, but by the Merchants, upon account of my Endeavours to strengthen this Province and weaken Canada, which has been always my principal Aim, and in which I flatter myself I have done some service that may be an inducement to continue me in these Governments, where I shall always make it my study to act as becomes, My Lords,

Your Lordships' most obliged

and most obedient humble Servant

W. Burnet.

Endorsed

Recd / Read } Decr 20th 1727.

Marquis de Beauharnois to Governor Burnet.

[New-York Papers, Dd., 48.]

Sir.

I am very well perswaded that you have been informed that the King my master has done me the honour to name me Governour and his Lieutenant General in all New France, and that you have likewise been so of my arrival to this Country.

I find myself, Sir, in a juncture when the close Union which subsists between our Soveraigns ought to flatter me with the hopes of the like between you and me.

But I cannot avoid observing to you my surprize at the permission which you have given to the English Merchants to carry on a trade at the River of Oswego, and that you have ordered a Redoubt with Galleries (Machicoulies) and full of Loop holes and other works belonging to fortification, to be built at the Mouth of that River, in which you have placed a Garrison of regular Troops.

I have been, Sir, the more astonished at it, since you should have considered Your Undertaking as a thing capable of disturbing the Union of the two Crowns: You cannot be ignorant of the possession during a very considerable time, which the King my Master has of all the Lands of Canada, of which those of lake Ontario and the adjacent Lands make a part, and in which he has built Forts and made other Settlements in different places as are those of Denonville at the Entrance of the River of Niagara, that of Frontenac, another called La famine, that which is called the Fort des Sables, another at the Bay of the Cayougas, at Oswego, &c: without any opposition, they having been one and all of them possessed by the French, who alone have had a Right, and have had the possession of carrying on the Trade there.

I look, Sir, upon the Settlement that you are beginning and pretending to make at the Entrance of the Lake Ontario into the River of Oswego, the fortifications that you have made there, and the Garrison that you have posted there, as a manifest Infraction of the Treaty of Utrecht, it being expressly settled by that Treaty, that the Subjects of each Crown

shall not molest nor encroach upon one another, 'till the Limits have been fixed by Commissaries, to be named for that purpose.—

This it is, Sir, which determines me at present to send away Mr De la Chassaigne Governour of the Town of trois Rivieres, with an Officer, to deliver this letter to You, and to inform you of my Intentions.

I send away at the same time a Major to summon the Officer who commands at Oswego, to retire with his Garrison and other persons who are there, to demolish the fortifications and other Works, and to evacuate entirely that post, and to retire home.

The Court of France which I have the honour to inform of it this moment, will have Room to look upon this undertaking as an act of hostility on Your part, and I dont doubt but you will give attention to the Justice of my Demand.

I desire you to honour me with a positive answer which I expect without delay by the return of these Gentlemen, I am perswaded that on Your side you will do nothing that may trouble the harmony that prevails between our two Crowns, and that you will not act against their true Interests.

I should be extremely pleased, Sir, if you would give me some occasion to shew you particularly the sentiments of Respect with which I have the honour to be, Sir,

Your most humble

At Montreal and most obedient Servant
this 20th July 1727. Beauharnois.

P. S. Mr De la Chassaigne who did not at first intend to carry with him any but the officer of whom I had the honour to inform you in my Letter, has since desired me to let him have the four Gentlemen named in the Passport which I have ordered to be made out for him,—I do'nt doubt, Sir, but you will have the same Regard for them as for the King's Officer who goes along with him.

Summons of the Governor of Canada to demolish Fort Oswego.

His Lordship the Marquis of Beauharnois by His most Christian Majesty granted to be Governour General in and over Canada and the whole Dependances of New France, being informed of Your Governour's Enterprize at the Mouth of Choueguen River, where he ordered a stone Redoubt to be built on the shore of the very Lac Ontario, where the only French have prerogative, of the Trade as possessors of it this great while, and considering that Enterprize as a plain Contravention to the Treaty of Utretcht, which mentions that the Subjects of the two Crowns shall not intrench upon one another's Land, 'till the Decision of the Limits by the Judges delegate to that End, sent me with orders to summon you to draw out at furthest within a fortnight the Garrison of this place with arms, munitions and other Effects belonging to the people of Albany or other places, to cast down the block house and all peeces of work you raised up contrary to Righteousness, without prejudice You may retire to your own Dominions or else His Lordship the Marquis of Beauharnois will take measures against you and against your unjust Usurpation as he will think fit, Montreal the fifteenth of July 1727.

Signed. Beauharnois.

Certificate of Chevalier Begon that he summoned Capt. Bancker.

This day, first of August 1727 I Chevalier Begon, Major of the City, Castle and Government of Quebec, Knight of the Military Order of St Lewis, Lord of Murbelin la Cistière &c Have summoned the Commander of Choueguen to retire according to the Sommation sent to him by the Marquis of Beauharnois, Governour and the King's Lieutenant General in the whole New France order and left Copy of the present Sommation to Mr Banker, Commander of the said place of Choueguen. Choueguen, the same day and Year as above.

BEGON.

Governor Burnet to the Marquis de Beauharnois.

[New-York Papers, Dd., 48.]

New York, 8th August 1727.

Sir

I have received the letter which You have done me the honour to write to me, and which was delivered to me by Mr De la Chassaigne.

You have done me a singular pleasure in taking this occasion to make me acquainted with a person of so distinguished merit, and in sending along with them Gentlemen who do honour to their country.

I could have wished that these Marks of Your good will had not been attended with a proceeding so little suitable to them.

You perceive, Sir, that I would complain of the sudden and peremtory summons that you have sent to my Officer posted at Oswego, and which was brought to me by an Express, before the arrival of Mr De la Chassaigne.

I should think, Sir, that You might have waited for my reasons, in answer to what you were pleased to write to me, before you took so Extraordinary a step, and that in giving so short a time, that my Officer could not possibly receive my orders before it expired.

I agreed with You, Sir, that the close Union that prevails between Our Souveraigns ought naturally to produce the like between you and me, and it shall never be through my fault, if it does not subsist in all its Extent.

It was, Sir, with the same Intention that I made my complaint in the modestest manner I could to Mr De Longueuil then Commander in Chief in Canada, of a Fort that had been built at Niagara, and thô I received no answer from him by the bearer of my letter, and at last received one that was not all satisfactory, I contented myself with writing to our Court about it, whence I am informed that Our Ambassadour at the Court of France, has orders to represent this undertaking as contrary to the treaty of Utrecht.

This, Sir, was all that I did upon that occasion, I did not send any summons to Niagara, I did not make any warlike preparations to interrupt the work, and I did not stir up the five Nations to make use of force to demolish it, which I might have done easily enough, since at the very time when I received Mr De Longueuil's Letter, they were all come to complain to me of this Undertaking, as the justest cause of Uneasiness that could have been given them.

I wo'nt tire you with repeating all that I writ to Mr De Longueuil upon that Subject which he has no doubt shewn to you.

I come now, Sir, to the subject of Your Letter, there are two things which you complain of, first of the trade at Oswego, secondly of the Redoubt as you call it, and of the Garrison that is in it; As for the Trade I can not understand, how you could be surprized at it, since we have carried on a trade there regularly for more than five years running without opposition and I have reason to wonder how you call that an Infraction of the treaty of Utrecht, since it is expressly stipulated in that very 15th Article which you cite, That on both sides the subjects of each Crown shall enjoy full liberty of going and coming on account of Trade.

Going and coming must imply (as appears clearly by what goes before) among all the Americans Subjects or Allies or friends of Great Britain and of France. It is upon this, Sir, that we pretend to have an equal right with you of trading thrô all the Lakes and all the Continent, and that incontestably, by virtue of the Terms of the Treaty.

It follows therein that also the Natives of those Countries shall with the same liberty resort as they please tò the British and French Colonies, for promoting a Trade on one side or the other, without any Molestation or hindrance either on the part of the British Subjects or the French.

I cited you before the Right which we have to carry on a trade every where among the Indians. In these last Words is contained the Right which all the Indians have to come and trade with us, and I leave it to you to reflect sincerely upon the conduct of the People of Canada, and to consider whether they have not done all they could, and do not continue still to hinder the Indians from coming to trade with us.

But as for our Right to carry a Trade every where among the Indians, one cannot find expressions more contrary to the terms of the treaty, than those in Your letter, where you name several places occupied by the French, who alone, say you, have had the Right and been in possession of trading there

You will oblige me extremely if you will shew me how to reconcile that with a full liberty on both sides of going and coming on account of trade, which the subjects of both Crowns shall enjoy.

But if you say that formerly it was as You pretend that will signify nothing, since at present the Treaty alone ought to regulate matters.

I hope, Sir, that I have said enough upon the first subject of Complaint, which relates to the Trade, for to shew You the right we have to it, and to make you sensible that the future Regulation of Limits, can never make any Alteration in the general liberty which there is of trade.

I come now to the second subject of Complaint which relates to the Redoubt and Garrison at Oswego. It is true, Sir, that I have ordered a Stone House to be built there, with some contrivances to hinder its being surprized, and that I have posted some Souldiers in it, but that which gave me the first thought of it, was the fortified and much larger house which the French have built at Niagara, upon the lands of the five Nations, as it appears even by the Confession of Mr De Longueuil, in his letter to me of the 16th of August, 1726. for he pretends that the five Nations had agreed to it by an unanimous consent.

If that Post was not upon their Land, but upon land that belongs incontestably to the French, I beleive, Sir, that you would be very far from asking their consent to do what you had a mind to do there.

It has been always the same case with all the posts which you mention and which besides had been abandoned many years before the Treaty of Utrecht, except Fort Frontenac only, which is on the other side of the Lake. It is certain that the French never built any of them, but by the permission of the five Nations, and always on pretence that they were only to be houses for the Conveniency of Trade with them, and without ever pretending to claim the property of those places: And you seem, Sir, to allow almost as much Your self for you say, That His Most Christian Majesty has ordered Forts and other Establishments to be built in different places, &c. without any opposition. What has been built without opposition can never be looked Upon as a Conquest, as M^r^ De la Chassaigne would maintain, and I should be very glad to learn by what Treaty or Agreement the five nations ever yielded to you any of their lands, On the contrary those Nations have always maintained that the Lands on both sides of the Lake Ontario are theirs, and will always maintain it.

I ca'nt comprehend what use the Article of the Treaty to which you allude, can be of to you, and I ca'nt find the words in the Treaty as you have cited them, nor even the sense entirely agreable to them. You call the post which we have settled at Oswego a manifest infraction of the Treaty of Utrecht, it being mentioned expressly in the Treaty that the Subjects of one and the other Crown shall not molest nor incroach upon one another, 'till the Limits shall be regulated by Commissaries to be named by them for that purpose. I do'nt know, Sir, what copy of the Treaty You make use of, but for my part, I have compared the French translation which I have quoted with the Original Latin, which is printed at London by Royal Authority and have found it entirely agreeable to it.—

The words which we are now upon are there as follows, The Subjects of France inhabiting Canada and others, shall hereafter give no hindrance or Molestation to the five Nations or Cantons of Indians, subject to the Dominion of Great Britain, nor to the other Natives of America who are friends to the same, in like manner the subjects of Great Britain shall behave themselves peaceably towards the Americans, who are Subjects or friends to France.

This is the first part at full length of what you refer to, the second part is at the end of the Article in these words, But it to be exactly and distinctly settled by Commissaries, who are and who ought to be accounted the Subjects and friends of Britain or of France.

Upon reading all this together it is impossible to imagine that the last clause of this Article can relate to the five Nations, as if Commissaries were yet to determine whether they are our subjects or yours, as M^r^ De Longueuil writ to me that they were neither.

This would be directly opposite to the first part of the same article which declares them expressly Subject to the Dominion of Great Britain. But as there is mention made of other Americans allies of Great Britain and of Americans Subjects or friends to France, without naming them, it is as clear as daylight that the Commissaries are only to determine about these last.

You have now, Sir, my Reasons for acting as I have done, and of which I have given an Account to the Court at the same time that I represented the Affair at Niagara, I expect every day a compleat answer upon both these points, and I think my self obliged, notwithstanding all the reasons which M^r^ De la Chassaigne has given me to the contrary, to maintain the post of Oswego, till I receive new orders from the King my Master.

You may, Sir, make such Complaints hereupon as you judge proper, as you inform me that you have already made some, and at the same time you will not think it strange that on my part I inform the Court, in what manner you have summoned the King's Officer posted at Oswego, without writing for any Explanation from me upon it. This is a step which the

King my Master may perhaps be offended at, and which His most Christian Majesty may perhaps think fit to disown.

I am very sorry, Sir, to find myself under a necessity to have sentiments so opposite to Yours. I should be glad to see all these differences end in a good understanding, and that you would honour me with Your friendship, and it is with a great deal of respect that I have the honour to be, Sir,

Your most humble
and most obedient Servant.

Governor Montgomerie to the Lords of Trade.

[New-York Papers, Dd., 88.]

To the Right Hon^ble^ the Lords Commiss^rs^ for Trade & Plantations.

The humble petition of John Montgomerie Esq^r^ Sheweth

That His Majesty having been graciously pleased to appoint Your Memorialist His Governor of New York & the territories depending thereon in America, He begs leave to apply to Your Lordships for the confirming the following Bills.

An Act passed at New York for the more easy partition of Lands in common.

A Bill for amending the practice of the Law.

An Act passed by the Assembly General of New Jersey entituled an Act concerning the Duty of the Commiss^rs^ appointed to manage the Loan Offices in the respective Counties of this Province and for provideing a Remedy in case any of the Signers of Bills of Credit of this Province should by death or otherwise be rendred incapable of signing the same.

And Also one other Act passed by the said Assembly Entituled An Act for an additional Support of this Government and making current £40,000 in bills of credit for that & other purposes therein mentioned.

And Y^r^ Mem^st^ is humbly of Opinion that the Paper Currency established by the said Act is free from all inconveniencys which has attended that sort of mony in other His Majesty's American Provinces this Currency being only used as a necessary remedy for the Deficiency of Gold and Silver Specie, and thereby to prevent a Stagnation of Commerce and to set his Majesty's Province of New Jersey upon an equal footing with its neighbouring Colonies.

And Your Mem^st^ humbly observes to Your Lord^ps^ that there is in the Loan Office a very considerable sum of mony arisen by Interest upon the Bills of Credit over & above the necessary sinking Fund, which will absolutely pay off and discharge the said paper currency.

Which mony Y^r^ Mem^st^ most humbly begs Your Lord^ps^ to permit to be applyed to the publick Services of the Government. For Your Mem^st^ hopes Y^r^ Lord^ps^ would not force him upon so ungratefull a proceeding at his first arrival in his Government as to propose a new tax and burthen to the Province to bear the necessary Support of the Government, when there lyes so much useless mony in their Coffers already.

Endorsed

Rec'd
Read } Sept^r^ 8^th^ 1727

Representation of the Lords of Trade on the Instructions to Governor Montgomerie.

[New-York Entries, L., 2.]

To the KING'S MOST EXCELLENT MAJESTY.

May it please Your Majesty.

Having in obedience to Your Majesty's commands signified to us by a letter from the Right Hon^ble^ the Lord Vis^ct^ Townshend, dated the 12 of August last, prepared and transmitted with our Representation of the 32^rd^ of the same Month, the draught of a Commission for Coll: Montgomery to be your Maj^ty's^ Capt^n^ Gen^l^ and Gov^r^ in Chief of New York, and having now, in further obedience to your Maj^ty's^ said commands, prepared the draught of Gen^l^ Instructions, and of those which particularly relate to the Acts of Trade and Navigation, we herewith humbly lay before your Maj^ty^ the said draughts, with some few alterations and our reasons for the same.

In the Sixth Instruction, requiring the Governor to transmit the names of persons qualified to supply vacancies that may happen in the Council of New York, instead of the names of Six; we have inserted the names of 12 persons; this being the number of Names which all your Majesty's other Governours in America are directed to transmit.

We have added the preamble to the Seventh Instruction, it having been approved by Your Majesty in Your Instructions to Major Gen^l^ Hunter Governor of Jamaica.

We have inserted some words in Coll: Montgomery's 16. Instruction, whereby he is directed not to give his Assent to any Law for Repealing any other Act passed in his Govern^t^ although the same has not received Your Maj^ty's^ Royall approbation, without leave for that purpose. This we think the more necessary, because, Acts for Repealing others, have sometimes been passed, which have had their effect, before Your Maj^ty's^ pleasure could be known thereupon.

The 19^th^ Instruction is a copy of Gen^l^ Hunter's 20^th^ which we thought the more necessary to insert here, because the province of New York have frequently passed Acts for creating a paper currency, that have taken effect before Your Maj^ty's^ pleasure could be declared thereupon.

The 25^th^ Article of Coll: Montgomery's Instructions, impowering him to receive an additional Salary, is in pursuance of your Maj^ty's^ particular directions for that purpose.

M^r^ Burnet's 27^th^ Instruction is omitted in the inclosed draught, because it relates only to the application of Money formerly given as presents to the Governor; and as this money may be applyed towards Coll: Montgomery's additional Salary, the reason of this Instruction seems to be taken away.

We have added the latter part of the 30^th^ Instruct^n^ in relation to the President's power during the Gov^r's^ absence; Your Maj^ty^ having already approved thereof, in your Instructions to Major Gen^l^ Hunter Governor of Jamaica.

Coll: Montgomerys 34^th^ and 35^th^ Instructions, in relation to the disposal of Fines, Forfeitures and Escheats, we have substituted instead of M^r^ Burnet's 38^th^ and have endeavoured to make them more explicit, than the said 38^th^ Instruction.

We have added the 38^th^ Instruction, because we think it absolutely necessary that care should be taken to oblige the takers up of Land to cultivate the same.

We have added the 43^rd^ Instruction for preventing delays and undue proceedings in the Courts of Justice, Your Majesty having already approved thereof in your Instructions to Major Gen^l^ Hunter, Gov^r^ of Jamaica.

We have omitted Mr Burnett's 36th Instruction, it being provided for in the Instructions for Trade.

We have also omitted Mr Burnett's 64th for the same reason; and we have made no other alteration in the said Instructions for Trade, than to direct Coll: Montgomery to transmit the scheme therein ordered to be sent, to the Commissrs of Your Majty's Customs, to the Lords of the Treasury, and to this Board, according to the Tenour of the aforesaid 64th Instruction.

We have likewise omitted that part of Mr Burnett's 46th Instruction, which related to the Tryal of Accessaries in cases of Piracy committed beyond Sea, it being now particularly provided for by an Act of Parliament passed in the eighth year of His late Majty's reign.

We have added the latter part of the 49th article in relation to the suspending the execution of any sentence upon an appeal to your Majesty in pursuance of an order of Council dated the 5th of July 1726.

We have inserted two Articles No 53 and 54. in relation to the Custom House Officers, Your Majesty having already been pleased to approve the same in your Instructions to Major General Hunter Govr of Jamaica.

We have altered the 77th Article of Mr Burnet's Instruction, and made Coll: Montgomery's 67th conformable to an order in Council dated the 3rd of May last, upon a Petition from the Bishop of London, for restraining and punishing the several vices therein mentioned.

We have added the 78th Instruction relating to the manner of granting Commissions in the Plantations to private Ships of war, it being an Instruction to most of Your Majty's Govrs in America, and necessary to be given to them all.

There being an Act passed at New York in consequence of Mr Burnet's 87th Instruction for the regulating and returning able and sufficient Jurors, which being only temporary, and will expire in 1723; We have altered the same Instrtn and in Coll: Montgomery's 44th he is instructed to endeavour to get a Law passed for making the aforesaid Act perpetual

We have added the three last times to Coll: Montgomery's 75th Instruction, not having heard from Mr Burnet on that head.

We have now laid before your Majty a State of those Instructions, which we have either added or left out in the enclosed draught, and have made no other alterations, except with respect to the several Articles as near as may be in the manner your Majty has already approved of in Your Instrtns to Major General Hunter, Governor of Jamaica.

Which is most humbly submitted.

Westmorland
T Pelham
O Bridgeman
W. Cary.

Whitehall.
Septr 28. 1727.

Commission of John Montgomerie, Esq., to be Governor of New-York.

George the Second by the Grace of God, of Great Britain, France & Ireland King Defender of the Faith &c To Our Trusty & Welbeloved John Montgomery Esq: Greeting.

WHEREAS Our late Royal Father of blessed Memory[1] did by His Letters Patents under His Great Seal of Great Britain bearing date at Westminster the 24 of June 1720, in the Sixth Year of his Reign constitute and appoint [his Trusty and welbeloved] William Burnet Esq: [to be his] Captain General and Governor in Chief in & over Our Province of New York & the territories depending thereon in America for and during His late Majesty's Will & Pleasure, As by the said recited Letters Patents, relation being thereunto had, may more fully and at large, appear, [in which said office according to the form of the Statute in such Case made and provided the said William Burnet is Continued for the Space of Six Months from the time of the demise of his said late Majesty, unless he shall by us be sooner removed and discharged from the same] NOW KNOW YOU that we have revoked & determind & by these presents do revoke & determine the said recited Letters Patents and every Clause Article and Thing therein contain'd [and him the said William Burnet We do remove and discharge from the said Office by these Presents and further know you that] We reposing Especial Trust & Confidence in the prudence, Courage & Loyalty of you the said John Montgomery, of Our especial Grace, certain Knowledge and meer Motion, have thought fit to constitute and appoint, and by these presents do constitute and appoint you the said John Montgomery to be Our Captain General & Governor in Chief in & over our Province of New York & the Territories depending thereon in America.

And We do hereby require and Command you to do and execute all things in due manner that shall belong unto your said Command and the Trust We have reposed in you according to the several Powers and Directions granted or appointed you by this present Commission & the Instructions & Authorities herewith given You, or by such further Powers Instructions & Authorities as shall at any time hereafter be granted or appointed You, under Our Signet & Sign Manual Or by Our Order in Our Privy Council & according to such reasonable Laws & Statutes as now are in force or hereafter shall be made & agreed upon by you, with the Advice and Consent of Our Council & y^e^ Assembly of Our said Province under Your Government, in such manner & form as is hereafter express'd.

And Our Will & Pleasure is that you the said John Montgomery after the Publication of these Our Letters Patents do in the first place take the Oaths appointed to be taken by an Act pass'd in the 1^st^ Year of his said late Majesty's Reign Entituled, an Act for the further Security of His Majesty's Person and Government & the Succession of *the Heirs of* the Crown in the Heirs of the late Princess Sophia being Protestants And for extinguishing the Hopes of the pretended Prince of Wales & his open & secret Abettors; As also that you make & subscribe the Declaration mentioned in an Act of Parliament made in the 25 Year of the Reign of King Charles the Second, Entituled An Act for preventing Dangers which may happen from Popish Recusants, and likewise that you take the repeal Oath,[2] for the due Execution of the Office and Trust of Our Captain General & Governor in Chief in and Over our said Province of New York & the Territories depending thereon for the due Impartial Administration of Justice & further that you take the Oath required to be taken by Governors of Plantations to do their Utmost, that the several Laws relating to Trade and the Plantations be observed, which said Oath & Declaration Our Council in Our said Province or any three of the Members thereof have hereby full Power and Authority, and are required to tender & Administer unto You, and in your absence to Our Lieut^t^ Gov^r^ if there be any upon the place

[1] The words "of blessed Memory" are omitted in the Commission recorded in the Book of *Commissions*, IV., 63, and instead thereof are inserted — "George the first King of Great Britain &c."— ED. [2] the *usual* Oath. *Ibid.*

all which being duly perform'd, you shall Administer to each of the Members of Our said Council, as also to Our Lieut^t Gov^r if there be any upon the place the Oath[s] mentioned in the said Act Entituled, an Act for the further Security of His Majesty's Person & Government & the Succession of the Crown in the Heirs of the late Princess Sophia being Protestants & for extinguishing the hopes of the Pretended Prince of Wales & his open & Secret Abetors As also to cause them to make & subscribe the foremention'd Declaration and to Administer to them the Oath for the due execution of their Places & Trusts.

And We do hereby give and grant unto you full Power & Authority to suspend any of the Members of Our said Council from sitting voting and assisting therein if you shall find just cause for so doing, And if there shall be any Lieut^t Gov^r him likewise to be suspended[1] from the Execution of his Command and to appoint another in his stead until Our Pleasure be known.

And if it shall at any time happen that by the death, departure out of Our said Province, or suspension of any of Our said Councillors, or otherwise there shall be a vacancy in our said Council (any three whereof We do hereby appoint to be a Quorum)

Our Will & Pleasure is, that you signify the same unto us by the first opportunity, that We may under our Signet and Sign Manual, constitute and appoint others in their Stead.

But that Our Affairs may not suffer at that distance for want of a due Number of Councillors, if ever it shall happen that there be less than seven of them residing in Our said Province; We do hereby give & grant unto you the said John Montgomery full Power & Authority to chuse as many [persons] out of the principal Freeholders Inhabitants thereof as will make up the full number of Our said Council to be seven and no more, which persons so chosen and appointed by you shall be to all intents and purposes, Councillors in Our said Province, until either they shall be confirmed by Us, or that by the nomination of others by Us, under Our Sign Manual & Signet Our said Council shall have seven or more Persons in it.

And We do hereby give and grant unto you, full Power & Authority, with the Advice & Consent of Our said Council, from time to time as need shall require to summon & Call General Assemblies of the said Freeholders & Planters within your Government, according to the usage of Our Province of New York.

And Our Will & Pleasure is that the Persons thereupon duly Elected by the Major part of the Freeholders of the respective Counties and [places], & so returned shall, before their sitting, take the Oaths mention'd in the said Act, Entituled An Act for the further Security of His Majesty's Person & Government & the Succession of the Crown in the Heirs of the late Princes Sophia being Protestants, And for Extinguishing the hopes of the Pretended Prince of Wales & his open & secret Abettors, As also make and subscribe the foremention'd Declaration which Oath & Declaration you shall Commissionate fit Persons under Our Seal of New York to tender and Administer unto them & until the same shall be so taken and subscribed, no Person shall be Capable of Sitting tho' Elected; And We do hereby declare that the Persons so Elected & qualify'd shall be called and deemed the General Assembly of that Our Province & the Territories depending thereon

And you the said John Montgomery with the Consent of Our said Council & Assembly or the Major part of them respectively shall have full power & Authority to make, constitute & ordain Laws, Statutes & Ordinances for the Publick peace, Welfare & good Government of our said Province & of the People and Inhabitants thereof, and such other as shall resort

[1] to suspend. *Commissions*, IV., 63. — Ed.

thereto & for the benefit of Us, Our Heirs and Successors Which said Laws, Statutes and Ordinances are not to be repugnant but as near as may be agreeable unto the Laws and Statutes of this Our Kingdom of Great Britain; Provided that all such laws, Statutes and Ordinances of what nature or duration soever, be within three Months or sooner after the making thereof, transmitted unto Us, under Our Seal of New York for Our approbation or disallowance of the same, As also duplicates thereof by the next conveyance.

And in Case any or all of the said Laws, Statutes and Ordinances (being not before confirm'd by Us) shall at any time be disallowed & not approved, & so signify'd by us, Our Heirs or Successors under Our or their Sign Manual and Signet, or by Order of Our or their Privy Council unto You the said John Montgomery, or to the Commander in Chief of Our said Province for the time being then such & so many of the said Laws, Statutes & Ordinances as shall be so disallowed & not approved, shall from thenceforth cease, determine, and become utterly void & of none effect, any thing [to the] contrary thereof notwithstanding

And to the end that nothing *may* be passed or done by Our *said* Council or Assembly to the prejudice of Us our Heirs and Successors, We will and ordain, that you the said John Montgomery shall have & enjoy a Negative Voice in the making & passing of all Laws, Statutes, & Ordinances as aforesaid.

And you shall and may likewise from time to time as you shall Judge it necessary adjourn, prorogue & dissolve all Generall Assembly's as aforesaid.

And Our further Will & Pleasure is, that you shall and may use & keep the Publick Seal of Our Province of New York for Sealing all things whatsoever that pass the Great Seal of our said Province under your Government.

And we do further give and grant unto you the said John Montgomery full Power & Authority from time to time, & at any time hereafter, by yourself or by any other to be Authorized by you in that behalf to administer & give the aforesaid Oaths to all & every such person and persons as you shall think fit who shall at any time or times, pass into Our said Province or shall be resident or abiding there.

And We do further by these Presents give & grant unto you the said John Montgomery full Power & Authority with the Advice & Consent of Our said Council to erect, constitute & establish such & so many Courts of Judicature & publick Justice, within Our said Province under your Government as you & they shall think fit & necessary for the hearing & determining of all Causes as well Criminal as Civil according to Law & Equity & for awarding of Execution thereupon, with all reasonable & Necessary Powers, Authorities, Fees & Privileges belonging thereto, As also to appoint & Commisionate fit Persons in the several Parts of Your Government, to Administer the Oaths mentioned in the aforesaid Act, Entituled an Act for the further Security of His Majesty's Person & Government & the Succession of the Crown in the Heirs of the late Princess Sophia being Protestants & for extinguishing the hopes of the pretended Prince of Wales & his open & secret Abettors; As also to tender & Administer the aforesaid Declaration unto such persons belonging unto the said Courts, as shall be obliged to take the same.

And We do hereby Authorize & impower you to constitute and appoint Judges (and in cases requisite) Commissioners of Oyer & Terminer, Justices of the peace & other *necessary* Officers & Ministers in Our said Province for the better Administration of Justice & putting the Laws in Execution and to Administer or cause to be Administred unto them such Oath or

Oaths as are usually[1] for the due Execution & performance of Offices & Places, and for the clearing[2] of Truth in Judicial Causes.

And We do hereby give and grant unto you full power and Authority, where you shall see cause or shall Judge any offender or offenders in Criminal matters, or for any Fines or Forfeitures due unto Us, fit objects of our Mercy, to pardon all such offenders, & to remit all such Offences Fines & Forfeitures, Treason & wilfull Murder only excepted in which Cases you shall likewise have Power upon Extraordinary Occasions to grant Reprives to the Offenders, until and to the Intent Our Royal Pleasure may be known therein.

And We do by these Presents Authorize and Impower you to collate any Person or Persons to any Churches, Chappels or other Ecclesiastical Benefices within our said Province & Territories aforesaid, as often as any of them shall happen to be void.

And We do hereby give & grant unto you the said John Montgomery by yourself or by your Captains & Commanders by you to be Authorized, full Power & Authority to levy, arm muster, command & imploy all Persons whatsoever residing within Our said Province [of] New York and other the Territories under Your Government, & as occasion shall serve, to march from one place to another or[3] to embark them for the resisting & withstanding of all Enemies, Pirates & Rebels, both at sea and land & to transport such Officers[4] to any of our Plantations in America (if necessity shall require) for the defence of the same, against the invasion or attempts of any of Our Enemies and such Enemies, Pirates and Rebels, if there shall be occasion to pursue & prosecute, in or Out of the limits of Our s^{d} Province & Plantations, or any of them, and if it shall so please God, them to vanquish, apprehend & take & being taken either according to Law to put to death, or keep & preserve alive at your discretion, and to execute Martial Law in time of Invasion or other times when by Law it may be executed and to do & execute all & every other thing & things which to Our Captain General & Governor in Chief doth or ought of Right to belong.

And We do hereby give and grant unto You full Power and Authority, by & with the Advice and Consent of Our said Council, to erect, raise and build in Our said Province of New York & Territories depending thereon, such & so many forts & Platforms, Castles, Cities, Borough's, Towns, & Fortifications, as you by the Advice aforesaid shall Judge necessary And the same or any of them to fortify & furnish with Ordnance, Ammunition, & all sorts of Arms fit & necessary for the security & defence of Our said Province, & by the Advice aforesaid the same again or any of them to demolish or dismantle, as may be most convenient.

And for as much as divers Mutines & Disorders may happen by persons shipped and imployed at sea during the time of War, & to the end that such as shall be shipped & imployed at sea during the time of War, may be better governed & ordered, We do hereby give and grant unto You the said John Montgomery full Power & Authority to constitute and appoint, Captains, Lieut^{ts}, Masters of ships and other Commanders & Officers & to grant unto such Captains, Lieut^{ts} Masters of ships and other Commanders and Officers Commissions to execute the Law Martial according to the directions of An Act passed in the 13 year of the Reign of King Charles the Second, Entituled An Act for the Establishing Articles and Orders for the Regulating and better Government of His Majesty's Navies, Ships of War and Forces by Sea, during the time of War, and to use such Proceedings Authorities Punishments, Corrections, & Executions upon any Offender or Offenders who shall be Mutinous, Seditious, Disorderly or any way unruly, either at sea, or during the time of their Abode or residence in

[1] necessary. *Commissions*, IV., 64. [2] eliciting. *Ibid.* [3] and. *Ibid.* [4] Forces. *Ibid*, 65. — Ed.

any of the Ports, Harbours, or Bays of Our said Province & Territories, as the Cause shall be found to require, according to Martial Law & the said Directions during the time of War, as aforesaid.

Provided that nothing herein contained shall be construed to the inabling you or any by your Authority, to hold Plea or have any Jurisdiction of any offence cause, matter or thing Committed or done upon the high sea, or within any of the Havens, Rivers, or Creeks of Our said Province or Territories under your Government by any Captain, Commander, Lieut[t] Master Office[r], Seaman, Soldier or other Person whatsoever, who shall be in actual Service & pay, in or on Board of any of Our ships of War or other Vessells, acting by immediate Commission or Warrant from Our Commissioners for executing the office of Our High Admiral or from Our High Admiral of Great Britain for the time being under the Seal of Our Admiralty; But that such Captain, Commander, Lieut[t] Master, Officer, Seamen Soldier or other Person so offending, shall be left to be proceeded against and tryed as their offences shall require, either by Commission under Our Great Seal of Great Britain, as the Statute of the 28 of Henry the 8 directs or by Commission from Our said Commissioners for executing the Office of Our High Admiral, Or from Our High Admiral of Great Britain for the time being according to the aforesaid Act for the Establishing Articles and Orders for the regulating & better Government of his Majesty's Navys ships of War & Forces by sea & not otherwise.

Provided nevertheless that all Disorders & Misdemeanors committed on shore by any Captain, Commander Lieut[t] Master Officer, Seaman Soldier or other Person whatsoever belonging to any of Our ships of War or other Vessels acting by immediate Commission or Warrant from Our said Commissioners for executing the office of Our High Admiral or from Our High Admiral of Great Britain for the time being under the Seal of Our Admiralty may be tryed & punished according to the Laws of the Place where any such disorders, Offences, & Misdemeanors shall be committed on shore, notwithstanding such offender be in Our actual service and born in Our pay on board any such Our ships of War or other Vessels acting by immediate Commission or Warrant from Our said Commissioners for executing the Office of Our High Admiral or from our High Admiral of Great Britain for the time being as aforesaid, so as he shall not receive any Protection for the avoiding of Justice for such offences committed on shore, from any pretenc of his being employ'd in our service at sea

And Our further Will & Pleasure is, that all publick Money raised or which shall be raised by any Act to be hereafter made within Our said Province and other the Territories depending thereon, be issued out by Warrant from you by and with the advice and consent of Our [said] Council & disposed of by you for the support of the Government and not otherwise.

And We do hereby likewise give & grant unto you ful power & Authority by and with the advice & consent of Our said Council to settle and agree with the Inhabitants of Our [said] Province and Territories aforesaid, for such Land, Tenements & Hereditaments as now are or hereafter shall be in Our Power to dispose of and them to grant to any person or persons upon such Terms & under such moderate Quit Rents, Services & acknowledgements to be thereupon reserved unto Us, as you by and with the Advice aforesaid shall think fit; Which said grants are to pass & be Sealed by our Seal of New York & being Entred upon Record by such Officer or Officers as you shall appoint, shall be good & effectual in Law against Us, Our Heirs and Successors

And We do hereby give you the said John Montgomery full Power & Authority to order and appoint Fairs, Markets & Marts as also such and so many Ports, Harbours, Bays, Havens

& other Places for the Convenience & Security of Shipping, and for the better loading and unloading of goods & Merchandizes, as by you with the Advice & Consent of Our said Councel be thought fit and necessary.

And We do hereby require and Command all Officers and Ministers Civil and Military, and all other Inhabitants of Our said Province & Territories depending thereon to be obedient aiding and assisting unto you the said John Montgomery in the execution of this Our Commission & of the Powers and Authorities herein contained, and in case of your Death or absence out of Our said Province & Territories depending thereon to be obedient, aiding & assisting unto such Person as shall be appointed by Us to be Our Lieut[t] Governor or Commander in Chief of Our said Province to whome we do therefore by these Presents give & grant all and singular the Powers and Authorities herein granted, to be by him executed & enjoy'd during Our Pleasure, or until Your Arrival within Our said Province & Territories.

And if upon your Death or Absence out of Our said Province & Territories depending thereon there be no Person upon the Place commissionated or appointed by us to be Our Lieut[t] Governor or Commander in Chief of Our said Province Our Will & Pleasure is that the Eldest Councillor whose Name is first Placed in Our said instructions to you & who shall be at the time of your Death or Absence, residing within Our said Province of New York shall take upon him the Administration of the Government, and execute Our said Commission and Instructions, and the several Powers and Authorities therein mentioned[1] in the same manner and to all intents & purposes, as other Our Governor & Commander in Chief of Our said Province, shou'd or ought to do in case of your absence, until your return, or in all Cases until Our further pleasure be known therein.

And We do hereby give and declare, ordain & appoint that you the said John Montgomery shall & may hold, execute and enjoy the office and place of Our Captain General and Governor in Chief in and over our Province of New York & the Territories depending thereon, together with all and singular the powers and Authorities hereby granted unto you, for & during Our Will & Pleasure

And whereas there are Divers Colonies adjoining to Our Province of New York, for the Defence *& Security* whereof, it is requisite that due care be taken in time of War, We have therefore thought it necessary for Our Service, and for the better Protection and Security of Our Subjects, Inhabiting those Parts, to constitute and appoint, and we do by these presents constitute and appoint you the said John Montgomery to be Our Captain General and Commander in Chief of the Militia, and of all the Forces by sea & Land, within Our Colony of Connecticut And of all Our Forts & Places of Strength within the same.

And for the better Ordering, governing and ruling Our said Militia & all Our Forces, Forts & Places of Strength within Our said Colony of Connecticut, We do hereby give & grant unto you the said John Montgomery [and] in your Absence to Our Commander in Chief of Our Province of New York, all and every the like Powers as in these Presents are before granted and recited, for the ruling, governing and ordering Our Militia and all Our Forces, Forts & Places of Strength within Our Province of New York, to be exercised by you the said John Montgomery & in your Absence from Our Territory & Dominion of New York, by Our Commander in Chief of Our Province of New York within Our said Colony of Connecticut, for and during Our Pleasure. In witness whereof We have Caused these Our Letters to be

[1] contained. *Commissions*, IV., 67. — Ed.

made Patents, Witness Ourself at Westminster the [Fourth] Day of [October] In the first year of Our Reign. 1727.

[By Writt of Privy Seal

Bisse & Bray.][1]

Order in Council approving Governor Montgomerie's Instructions.

[New-York Papers, Dd., 61.]

At the Court of S^t^ James' the 19^th^ day of October 1727.

Present—The King's most Excell^t^ Majesty in Council.

Upon Reading this Day at the Board a Report from the R^t^ Hon^ble^ the Lords of the Committee of Councill, upon Considering the Draughts of Instructions prepared by the Lords Commissioners for Trade and Plantations, for John Montgomery Esq^r^, His Majesty's Captain Generall and Commander in Chief of the Provinces of New York and New Jersey, together with two Representations from the said Lords Commissioners, specifying the particular Alterations they have made in the said Draughts of Instructions By which Report it appears that the said Alterations are no other than to make the said Draughts conformable to Governor Hunter's Instructions, which have already received His Majesty's Approbation—His Majesty in Councill was thereuppon pleased to approve of the said Draughts of Instructions for Colonel Montgomery (which are hereto annexed) And to order that His Grace The Duke of Newcastle One of His Majesty's Principal Secretarys of State Do cause the same to be prepared for His Majesty's Royall Signature.

A true Copy

Temple Stanyan.

Governor Burnet to the Lords of Trade.

[New-York Papers, Dd., 49.]

New York. 26^th^ October 1727.

My Lords.

I had the honour to acquaint Your Lordships of his Majesties having been proclaimed here with the usual solemnities on the 21^st^ of August, by my letter of the 24^th^ of that month; and in New Jersey on the 25^th^ by my letter of the 26^th^ But the Ship which carried those Letters

[1] The letters and words within [ ], in the above Commission, are added from the Record in Book of *Commissions*, IV., in the Secretary's office, Albany, N. Y., in which the words in *Italics* are omitted. — Ed.

met with a storm at sea, which obliged her to put back to this port in order to refit. So that that packet will come inclosed in this which I am now preparing.

I have lately received the Duplicate of Your Lordships' letter of the 26th June, together with the first letter of the 10th July, with the Enclosed Duplicate of Orders from the Privy Council to proclaim His Majesty, which I had done before according to the form of the Proclamation printed in London.

I had likewise before the Receipt of these Orders published a Proclamation, requiring all Officers to take the Oaths and execute their Offices according to the Act of the 6th of Queen Anne, And I have now reprinted and published the Proclamation for continuing the Officers in the Plantations in both my Governments.

I had likewise observed the Clause which Your Lordships favour me with reciting, out of the same Act, about the continuance of all publick Seals, upon which ground I issued writs for choosing a new Assembly in both Governments, as soon as I had proclaimed His Majesty: And the Assembly at New York have already met, and joined with me and the Council in an humble Address to His Majesty, which I beg Your Lordships to lay before His Majesty and hope it may be printed in the Gazette. I likewise transmit to Your Lordships two more humble Addresses, one from the Corporation of the City of New York, and another from the Justices and Grand Jury of the Supream Court in the said City, which I Desire Your Lordships will likewise lay before His Majesty. When the Assembly at New York is over I intend to go into New Jersey, to hold an Assembly there, where I doubt not but the same duty and loyalty will appear as in this Province.

I enclose to Your Lordships my Speech to the Assembly, together with their Address in answer to it: I am satisfied that they will provide fully for the payment of all Engagements relating to the building and Supporting the New Fort at Oswego, for they seem all convinced that it is the best thing that ever was done to secure the Indians and our selves from the Encroachments of the French. I hope Your Lordships will be of the same Opinion, being with great Respect,

My Lords, Your Lordships

most dutifull

and most obedient humble Servant

W. Burnet.

P. S.

Mr Le Heup the Agent for the Province of New York will apply to Your Lordships by my Directions to know if Your Lordships think it most proper that he should present the Address from myself and the Council and Assembly, introduced by the Duke of New Castle, or the Earl of Westmorland, which I humbly submit to Your Lordships. The French have hitherto attempted nothing further against the Fort at Oswego, but all remains quiet hitherto.

Endorsed

Recd / Read } Decembr 20th 1727.

Representation to the King against the Partition Act passed at New-York.

[New-York Entries, L., 105.]

To the KING'S MOST EXCELLENT MAJESTY

May it please Your Majesty.

Having had under our consideration An Act passed in Your Majesty's province of New York in November 1726. Intituled: "An Act for easier partition of land held in common, and "promoting the settling and improvement thereof, and for confirming former divisions in the "settled Townships of this Colony" and having had the opinion of M^r^ Fane, one of Your Majesty's Council learned in the Law thereupon, We humbly take leave to represent to your Majesty.

That there does not appear to be any essencial reason for constituting such an extraordinary method of proceeding for the partitition of Lands held in common, as is prescribed by this Act, which is general and extends to the whole province, since the same purpose might be effected by writs of Partition, or private Acts, where they should be found necessary; but on the contrary, we conceive, the said Act to be lyable to many objections, some of the principal whereof, we humbly take leave to mention, which are:

That should this Act receive Your Majesty's Royal confirmation, the property of private persons might be in great danger of being prejudiced, not only by the methods of partition prescribed in the said Act, but for want of due provision therein for Minors, and persons under other disabilities.

That this Act would in great measure, operate as a private Law, and thereby Your Maj^ty's^ Instruc^tn^ to your Gov^r^ requiring, that due care should be taken in all private Acts: to insert a saving of the Right of the Crown, and of other persons therein mentioned, as also that publick notification should be made of the Parties intention to apply for such Act, that all persons concerned therein might be duly apprized thereof, would be evaded, in which several points the present Acts is defective.

But the consideration, of Greatest Importance with us in this matter, is, that we have reason to apprehend the principal design of this Act, is to defraud Your Majesty of vast Tracts of Land, at present held upon pretence of certain exorbitant Grants, upon which, very small, or no Quit rents are reserved to your Majesty.

The Legislature of New York, have long been desirious of a Law for this purpose, and M^r^ Burnet Your Maj^ty's^ Gov^r^ of New York in the year 1721. sent us a draught of a Bill to that Effect which induced us to enter into a particular consideration of the State of this Province with respect to Grants and Quit Rents, and we beg leave to annex thereunto a copy of a Report which we made in the 26. of Sept^r^ 1722 upon that subject, as conceiving the same to be relative to the subject matter of this Act, and of great consequence to Your Maj^tys^ service.

To this we shall only beg leave to add, that although there be a clause in this Act to prevent its taking effect till your Maj^ty's^ pleasure shall be known concerning the same, yet we would humbly propose, that your Maj^ty^ should be pleased to signify your disallowance thereof, that the like attempt may not be again renewed; it being an Instruction to Your Maj^ty's^ Govern^r^ "not "to re-enact any Law to which the Royal Assent has once been refused, without express

"leave for that purpose first obtained from Your Majesty upon a full Representation by them "to be made of the reasons and necessity for passing such Law."

All which is most humbly submitted.

J. Chetwynd
T. Pelham
M. Bladen
Edw[d] Ashe
O. Bridgeman
W. Cary.

Whitehall
Dec[r] 6. 1727

Mr. Colden to Secretary Popple.

[New-York Papers, Dd., 67.]

S[r]

I have waited with some Impatience for Coll. Montgomery's Arival to know more certainly the Lords Commiss[rs] Opinion of what I had the honour to write to you about this time twelvemonth: but the Ships for this Season being all upon their Departure, I think it necessary to give you the trouble of this without further delay to inform you their Lord[ps] that as the Assembly of this Province continues in their Design of Weakning his Majesty's Government here, it seems necessary to lay hold of all means which may be usefull in putting a restraint upon them. It appears by the Resolves of the Assembly præceding the last, that they endeavoured to make the Officers of the Government wholly dependant upon them, & this they did not only by shewing that there was no money to be got without consent of the Assembly, but likewise that the Sallary or Rewards of the Officers for their services should be more or less valuable, as they were more or less gratefull to the leading party of that house; The last Assembly has not been contented with this, and with their having in effect the Nomination of all the Officers who are not immediately apointed by the King, but have gone on to weaken the two principal Courts of Judicature in the Province I mean, the Supreme Court of King's Bench here, & the Chancery, as will appear to your Lord[ps] by the Act for preventing of Prosecutions by Information & their Resolves against the Chancery. It is not easy to be conceived to what degree of Weakness the Administration here is reduced the consequences of which may be very dangerous to the safety of the Province in general & the Properties of the Subjects for in case of any foreign attack or tumult among the People the Government here is not abļe to make any stand without the immediate Assistance of the Assembly, & the Authority of the Courts of Judicature will depend upon the humours of the prevailing party in that house. In short if they shall be allowed to go on without some speedy remedy to put a stop to them, it is to be fear'd that a Resolve of the House of the Representatives will in time be look't on as of more force than his Majesty's positive Command, or even perhaps than an Act of Parliament if it be not accompanied with sufficient force to put it in Execution. All this is occasioned by His Majesty's not having any fund to support his Government here, but what is given by the Assembly yearly or every two or three years, & tho' the Governing party in that house may recommend themselves to Coll. Montgomery at his Arival, by granting a support for some few years, as is usual, yet as soon

as those years shall be near expiring we shall again fall into the State we now are in, & the longer the remedies are delayed, they will be aplied with more difficulty & danger.—The only thing I know in the power of the Government here whereby to gain a certain support is an Enquiry into the Grants of Lands as I before intimated; and I am likewise of Opinion that, if this Enquiry be made in a proper manner, it will not only be effectual for the purposes designed but may also become popular. It would be præsumptuous however in me to trouble their Lord^{ps} with particulars 'till I know how far what I have already wrote is acceptable to them. What the Province Agent has wrote on the subject of my last, having allarmed some persons, I apprehend that no pains will be omitted to misrepresent what I have already done, & I suspect M^{r} Clark most, who by his being Secretary of this Province may have some weight with their Lord^{ps} I think it necessary therefore to give you this trouble & to inform you that M^{r} Clark is deeply interested in the great Tracts held in common & therefore will oppose & endeavour to prevent my Proposals takeing effect. I am sensible enough of the risque that I run from the resentment of those men who may think their private Interest to be at Stake But as I make no Doubt of their Lord^{ps} patronage on this occasion I think my self safe under it. The Resolves of the Assembly with the Counter Resolves of the Council are order'd to be laid before their Lord^{ps} I am, S^{r},

Your most obedient
& most humble Servant
CADWALLADER COLDEN.

New York
Dec^{r} 15th 1727

To the Secretary of the Lords of Trade

Lords of Trade to the Duke of Newcastle.

[New-York Entries, L., 113.]

To His Grace the Duke of Newcastle.

My Lord.

Your Grace will perceive by the inclosed copy of a letter formerly wrote to you by this Board, and likewise by copies of letters we have just received from M^{r} Burnet, his Maj$^{ty's}$ Gov^{r} of New York, what industry is employed by the French at Canada, to encroach upon His Maj$^{ty's}$ dominions in those parts.

In the year 1726, they erected a Fort at Niagara, upon the land belonging to the Five Indian Nations, subject to His Maj^{ty}; of which complaint has been made, but no redress hitherto obtained.

Since the building of the Fort by the French, M^{r} Burnet has thought it necessary to erect another on the River Oswego, within the territory of the said Five Indian Nations, for the protection of our Trade in those parts, which the Gov^{r} of Canada has peremptorily demanded to be demolished.

This proceeding of the French Gov^{r} we conceive to be directly contrary to the sence of the Treaty of Utrecht, highly detrimental to His Majesty's Rights, and in no sort agreable to the good union at present subsisting between the two Nations.

But as the papers inclosed, will give your Grace, a full state of this Affair, we shall only beg leave to add one circumstance which must inevitably put this matter out of all dispute between the two Crowns, and decide the right in favour of Great Brittain; namely, that in the year 1726. the Indian Nations as a confirmation of their entire subjection to His Majesty, did surrender all their lands to him, and upon part of these lands, both the Forts in question are erected.

This surrender was owing to the application and address of M^{r} Burnet, who has always acted with great prudence and integrity.

As we look upon this to be a matter of very great consequence to the British Interest in America, we desire, your Grace would be pleased to take the first opportunity to receive His Maj$^{ty's}$ directions for his Minister at the Court of France, to make the proper instances for redressing of these grievances. We are.—My Lord.

Your Grace's

most obedient and most humble serv^{ts}

J. Chetwynd
P. Dominique
T. Pelham
M. Bladen
Edw^{d} Ashe
O Bridgeman
W. Cary.

Whitehall.
Dec^{r} 21. 1727.

Governor Burnet to the Lords of Trade.

[New-York Papers, Dd., 62.]

New York. 21st Dec^{r} 1727.

My Lords

I now send to Your Lordships the Acts passed by the Assembly of New York on the 25th Nov^{r} last, Engrossed and Sealed. There are Eight Publick Acts and one private.

1st An Act for defraying the Cost and Contingent charges of the Trading House at Oswego, and the maintaining it during the time therein mentioned, for applying several Fonds, and borrowing a certain Sum out of the Excise for that purpose; for the effectual Recovery of former fines and forfeitures; for continuing the several Dutys on Indian Goods, during the time therein mentioned, and for making good the money so to be borrowed of the Excise.

This Act is to repay me what I had Advanced for this Service, and to pay others what they had advanced upon my Credit. I have already explained to Your Lordships the great Importance of this Service and therefore need add no more about it now.

2nd An Act for continuing an Act Entitled An Act appointing Commissioners to let to farm the Excise of Strong Liquors in the Citys and Countys in this Colony, and for changing some Commissioners and for recovering the Arrears of the Excise.

This Act is a Continuance of an Act for one year more which has been already frequently continued from time to time, and so done, rather than for a long time at once, that when

Abuses Creep into the Management of the Excise they may be soon redressed, as in this Act particularly is provided.

3rd An Act for preventing Prosecutions by Information.

This is levelled at the Attorney Generall who has indeed been very vexatious and industrious to make use of trifling pretences to bring himself into business in a very mean and sordid manner; He is therefore by this Act limited to take his Directions from the Governour and Council in all Prosecutions, or else His Proceedings to be void, the like Act was passed formerly, and is in force in New Jersey.

4th An Act for continuing an Act of General Assembly of this Colony, entitled an Act for reviving an Act entitled an Act for Regulating the Ferry between the City of New York and Nassau Island, and for moderating some Rates of the former ferriages.

5th An Act to enable the Justices of the Peace in the County of Suffolk to build a County House and Prison.

6th An Act to repair the County House and to amend and enlarge the Jayl and Prison in the County of Orange.

7th An Act for reviving an Act entitled an Act for laying out and clearing publick Highways in the Precinct of Schohore, in the County of Albany, and for exchanging some of the Commissioners.

8th An Act to repeal an Act of General Assembly entitled an Act prohibiting all persons but Robert Lettice Hooper and his Assigns to refine Sugar during the time therein mentioned.

The four former need no Explanation, and this last was occasioned by Mr Hooper's having neglected entirely the said Manufacture of Sugar, which by the former Act was to render his priviledge voyd.

The private Act is for naturalizing several persons therein mentioned.

When I went with the Council and Assembly to the City hall to publish these Acts I was informed that just before the Assembly had passed some Extraordinary Resolves about the Court of Chancery, which was all done at the Suggestion of their Speaker, who had lately lost a cause in Chancery, and against whom I had signed a Decree only two days before. The evident partiality of the House, in being thus Directed by one that was a party, and entring into his Resentment, made me think it necessary to dissolve them, and to publish an Answer to their Resolves made by the Council which I now send to Your Lordships in print.

Adolph Philipse who was the Speaker of the Assembly had the least reason of any Man to disown the Court of Chancery, for he himself was a Member of the Council when that Court was established by the Council and when the Lords of Trade approved that Establishment, and he himself three years ago being cast in a Suit at common Law brought it into Chancery and obtained some releif in it. If the Assembly had really designed to have any abuses in the practice of that Court amended, and anything regulated in a better manner for the future they should have made some proposals about it before the Close of the Session, that the Council might have an Opportunity of considering the matter, and joining with them in anything that was proper, but this being done in a hurry and in a clandestine manner, just at their breaking up, shews that their design was only to possess the Country with ill Impressions, without the Governour and Council having any opportunity, as they hoped, to undeceive them. This made it necessary to put the matter in a full light, and to publish it, which I hope Your Lordships will approve, and give such Directions for the future conduct of the Government in this Affair as you shall think proper.

We have likewise in Council made some progress in considering of Methods to reform the Abuses of the Practitioners in this Court, which we hope will be effectual to lessen the Charge of this Court very considerably, and we are likewise preparing a new table of Fees, much lower than before, that no real pretence may be left to complain of the Court for the future.

One great Reason why the Country People are prejudiced against the Court of Chancery has been that several Bills have been brought to ascertain and recover large sums due to the King for Quit Rents on which I have generally given Decrees in favour of the King whom I apprehended to be very much wronged on that head; but this rais'd a pretty general clamour, because it fell heavy on several Patentees. Upon the whole I have had more trouble with this Court, than with all with my other business put together, and nothing could have made me undergo it, but the necessity I found myself under of giving Releif when demanded of me. But one thing I took care of, that when the fees of the Officers and the Practitioners were raised no addition should be made to mine, which remain very insignificant.

I hope Your Lordships will excuse my dwelling on a Subject which concerns my character so nearly and in which I apprehend myself to have been undeservedly ill-treated. I must only observe farther what all the Facts are that house have founded the strong Expressions upon, *That by the violent measures taken in and allowed by it, some have been ruined, others obliged to abandon the Colony and many restrained in it, either by Imprisonment or by excessive bail exacted from them, not to depart, even when no manner of suits are depending against them.*

Now all this has no other foundation that I know of, or that the house was any ways informed of but that one person who had been intrusted with great quantities of Snuff, refused to come to an account with the Agents of those who entrusted him, and so fled the Colony, after having delayed the Cause, as long as he could, by four insufficient answers to the Complainants Bill and that some other persons who appeared to me upon Oath to have had all the Defendant's Effects, who fled, made over to them, were detained by ne Exeats, 'till the Suit should be determined: Neither was this done till a ne exeat had been obtained by the Defendant's Council against the Principal Complainant. I shall trouble Your Lordships no further on this Subject, but refer to the enclosed papers printed upon this occasion.

I have also now sent the Minutes of Council to M^{r} Popple from the 5th of January last, to the 19th Inst^{t} where Your Lordships will find in the last Minute, the Methods already proposed for reforming the Abuses in the Practice in the Court of Chancery.

My Successor is not yet arrived, and the Winds are so contrary that it is much doubted if he can come in till February next. I am, My Lords,

Your Lordships most obedient

and most humble Servant

W. Burnet.

I send the printed Acts and Votes to M^{r} Popple.

Endorsed

Rec'd Jânry 29: $172\frac{7}{8}$

Read May 1. 1728.

Commission to the Bishop of London for exercising Jurisdiction in the American Colonies.

[Plantations General Papers, XI., 10.]

Commissio Regia pro exercendâ Jurisdictione Spirituali et Ecclesiasticâ in Plantationibus Americanis.

Georgius Secundus Dei gratiâ Magnæ Britanniæ Franciæ et Hiberniæ Rex, fidei Defensor &c. Reverendo in Christo patri Edmundo permissione divina Episcopo Londinensi, Salutem.

Cùm Coloniæ, Plantationes, cæteraque dominia nostra in America, nondum divisa vel formata, neque alicui Diœcesi infra Regnum Nostrum Magnæ Britanniæ annexa existant: ratione cujus Jurisdictio in causis Ecclesiasticis, in illis vel eorum aliquo orientibus, nobis ut supremo Ecclesiæ in terris Capiti solummodo spectat; ac nobis necessarium visus sit ut deinceps Jurisdictio Spiritualis et Ecclesiastica in regionibus illis in casibus inferius in his præsentibus mentionatis, authoritate nostra regia secundum leges et canones ecclesiæ Anglicanæ infra Angliam legitime receptos et sancitos, instituatur et exerceatur, quâ sincerus Dei cultus religionisque christianæ pura professio melius promoveatur: Cumque regalis pater noster Georgius primus nuper Rex Magnæ Britanniæ &c per literas suas patentes sub magno sigillo suo Magnæ Britanniæ confectas, gerentes dat' apud Westmonasterium nono die Februarii, anno regni sui decimo tertio, dederit et concesserit tibi præfato Episcopo Londinensi, plenam potestatem et authoritatem per te vel per sufficientem Commissarium tuum vel commissarios tuos sufficientes per te substituendos et nominandos exercendi, jurisdictionem, spiritualem et ecclesiasticam in respectivis Coloniis, Plantationibus, cæterisque dominiis suis in Americâ, durante bene placito dicti nuper Regis prout

[TRANSLATION.]

Royal Commission for exercising Spiritual and Ecclesiastical Jurisdiction in the American Plantations.

George the Second, by the Grace of God, King of Great Britain France and Ireland, Defender of the Faith &c, To the Reverend father in Christ, Edmund, by Divine permission, Bishop of London, Greeting:

Whereas the Colonies, Plantations, and other our dominions in America, are not yet divided into, constituted as, neither annexed to, any Diocese within our Kingdom of Great Britain; by reason whereof Jurisdiction in Ecclesiastical causes arising in them, or in any one of them, belongeth to Us only, as the Supreme Head of the Church on earth; And whereas it seemeth to Us necessary that henceforth Spiritual and Ecclesiastical Jurisdiction should, in the cases hereinafter mentioned, be established, and exercised in those parts, by virtue of our Royal Authority, according to the Laws and Canons of the Church of England, in England lawfully received and sanctioned, to the better promoting of the sincere worship of God, and the pure profession of the Christian Religion; and whereas our Royal Father, George the First, late King of Great Britain, &c., did, by letters patent, under the great seal of Great Britain, bearing date at Westminster, the ninth of February, in the thirteenth year of his reign, give and grant unto you, the Bishop of London aforesaid, full power and authority, by yourself, or by your sufficient commissary, or commissaries to be by you substituted and named, to exercise Spiritual and Ecclesiastical Jurisdiction in his several Colonies, Plantations, and other dominions in America, during the good pleasure of

per easdem litteras patentes relatione inde habitâ plenius liquet et apparet.

Sciatis modo quod nos revocavimus et determinavimus ac per præsentes revocamus et determinamus dictas recitatas literas patentes ac omnia et singula in eisdem contenta. Et ulterius sciatis quod nos de vestris sincerâ religione, et doctrina, ac morum probitate, et in rebus gerendis provida circumspectione, et industria, plurimum in hac parte confidentes, de gratia nostra speciali ac ex certâ scientiâ et mero motu nostris, dedimus et concessimus, ac per præsentes damus et concedimus tibi præfato Episcopo Londinensi plenam potestatem et authoritatem, per te vel per sufficientem Comissarium tuum, sive Comissarios tuos sufficientes per te substituendos et nominandos, exercendi jurisdictionem Spiritualem et ecclesiasticam in respectivis Coloniis, Plantationibus, cæterisque Dominiis nostris in America, secundum leges et canones Ecclesiæ Anglicanæ infra Angliam legitime receptos et sancitos, in specialibus causis et materiis inferius in his præsentibus expressis et specificatis. Ac pro Declaratione regalis voluntatis nostræ quoad specialis causas et materias in quibus Jurisdictionem Antedictam virtute hujus Commissionis nostræ exerceri volumus; Dedimus ulterius et concessimus ac per præsentes damus et concedimus tibi præfato Episcopo Londinensi plenam potestatem et authoritatem, per te vel per sufficientem commissarium tuum sive commissarios tuos sufficientes per te substituendos et nominandos, Visitandi omnes Ecclesias in Coloniis, Plantationibus, cæterisque Dominiis nostris prædictis in America, in quibus divinum servitium juxta ritus et liturgiam ecclesiæ Anglicanæ celebratum fuerit, ac omnes ecclesiarum prædictarum rectores, curatos, ministros, et Incumbentes, sive alio quorumque nomine vocatos, ac omnes presbyteros et diaconos in sacris ordinibus Ecclesiæ Anglicanæ constitutos, cum omni et omnimoda jurisdictione, potestate et coercione Ecclesiastica quoad præmissa requisita, et ad dies, horas, et loca competentia quæcunque,

the said late King, as by the said letters patent doth, upon examination, more fully appear; KNOW YE, that We have revoked, and determined, and do, by these presents, revoke, and determine the above mentioned letters patent, with all and singular the things therein contained. And further know ye, that We, reposing especial confidence in your sound religion, learning and probity, and in your prudence and industry in the management of affairs, have, of our special favor, certain knowledge and mere motion, given and granted, and do by these presents, give and grant to you, the Bishop of London aforesaid, full power and authority, by yourself, or by your sufficient commissary, or commissaries to be by you substituted and named, to exercise Spiritual and Ecclesiastical Jurisdiction in the special causes and matters hereinafter expressed and specified, within our several Colonies, Plantations, and other dominions in America, according to the laws and canons of the Church of England, in England lawfully received and sanctioned. And for declaration of our Royal Pleasure as to the special causes and matters in which we will that the Jurisdiction above named be, by virtue of this our commission, exercised, we have further given and granted, and do, by these presents, give and grant to you, the Bishop of London aforesaid, full power and authority, by yourself, or by your sufficient commissary, or commissaries to be by you substituted and named, to visit all churches in our aforesaid Colonies, Plantations, and other dominions in America, in which Divine Service according to the Rites and Liturgy of the Church of England shall have been celebrated, and the Rectors, Curates Ministers and Incumbents, by whatever name called belonging to said Churches, and all Presbyters and Deacons admitted into the Holy Orders of the Church of England, with all and every Sort of Jurisdiction, power, and Ecclesiastical coercion, requisite in the premises; and to Summon the aforesaid Rectors,

quoties et quandocunque tibi, sive commissario, vel commissariis prædictis magis congrua et opportuna videbuntur, prædictos rectores, curatos, ministros, incumbentes, Presbyteros vel Diaconos, in sacris ordinibus Ecclesiæ Anglicanæ constitutos, aut aliquem vel aliquos eorum et non alias quascunque personas, coram te, vel Commissario, sive Commissariis prædictis evocandi, et per testes per te sive Commissarium vel Commissarios prædictos in debita juris forma jurandos, aliisque viis et modis legitimis quibus de jure melius et efficacius id fieri possit, inquirendi de moribus eorundem, secundum leges et canones ecclesiæ Anglicanæ; ac etiam quæcunque juramenta licita in curiis Ecclesiasticis consueta ministrandi, ac corrigendi et puniendi prædictos Rectores, Curatos, Ministros, Incumbentes, Presbyteros et Diaconos, in sacris ordinibus Ecclesiæ Anglicanæ constitutos, juxta eorum demerita, sive per amotionem, suspensionem, excommunicationem, vel aliud quodcunque genus censurarum ecclesiasticarum aut correctionum debitarum, juxta canones et leges ecclesiasticas prædictas. Et ulterius de uberiori gratia nostra dedimus et concessimus, ac per præsentes damus et concedimus tibi præfato Episcopo Londinensi, plenam potestatem et authoritatem de tempore in tempus nominandi et substituendi sub manu tuâ et sigillo tuo Episcopali Commissarios Sufficientes ad omnia et singula præmissa, in separalibus et respectivis Coloniis, Plantationibus et Dominiis prædictis in Americâ, juxta tenorem et veram intentionem hujus Commissionis nostræ exercenda et exequenda cum effectu, et tales Commissarios amovendi et mutandi de tempore in tempus prout tibi expediens videbitur. Habendum et gaudendum omnes et singulas potestates et authoritates antedictas tibi præfato Episcopo Londinensi, quam diu nobis placuerit. Volumus tamen ac per præsentes declaramus et ordinamus, quod bene liceat et licebit alicui personæ vel aliquibus personis quibuscunque in quam vel in quas aliquod Curates, Ministers, Incumbents, Presbyters or Deacons admitted into the Holy Orders of the Church of England, or any of them, and no person else, before yourself or your commissary, or commissaries aforesaid, upon whatever days and hours, and at whatever suitable places, as often as, and whensoever, to yourself or to your commissary, or commissaries aforesaid, shall seem most fit and convenient, and by means of witnesses, to be sworn in due form of law by yourself, or your commissary, or commissaries aforesaid, and by such other proper ways and methods, as can with right be more advantageously and effectually used, to examine concerning the manners of the same, according to the laws and canons of the Church of England; and also to administer all oaths lawful and customary in Ecclesiastical Courts, and to correct and punish the aforesaid Rectors, Curates, Ministers, Incumbents Presbyters and Deacons in the Holy Orders of the Church of England, according to their demerits, whether by amotion, suspension, excommunication, or by any sort of Ecclesiastical censure, or due correction, according to the canons and Laws Ecclesiastical aforesaid. And further, of our superabundant favor, we have given and granted, and do, by these presents, give and grant to you, the Bishop of London aforesaid, full power and authority, from time to time, to nominate and substitute under your hand and Episcopal seal, sufficient Commissaries to exercise and effectually execute all and singular the premises, in each and every of the Colonies, Plantations, and Dominions aforesaid, in America, according to the tenor and true intent of this our Commission, and from time to time, to remove and change such Commissaries, as to you shall seem fit. You, the Bishop of London aforesaid having and enjoying all and singular, the powers and authorities above recited, during our good pleasure. We will, nevertheless, and do by these presents, declare and ordain, that it may and shall be lawful for

judicium, decretum, sive sententia virtute hujus Commissionis nostræ datum sive pronuntiatum fuerit, appellare a tali judicio decreto, sive sententia, ad perdilectos et perquam fideles Consiliarios nostros Rèrendissimum in Christo patrem Gulielmum Archiepiscopum Cantuariensem ac Archiepiscopum Cantuariensem pro tempore existentem; Petrum Dominum King Baronem de Ockham, Cancellarium Nostrum Magnæ Britanniæ, ac Cancellarium Nostrum Magnæ Britanniæ vel Magni nostri sigilli Magnæ Britanniæ Custodem pro tempore existentem: Reverendissimum in Christo patrem Lancelotum Archiepiscopum Eboracensem, ac Archiepiscopum Eboracensem pro tempore existentem: Summum Thesaurarium Nostrum Magnæ Britanniæ pro tempore existentem: Gulielmum Ducem Devoniæ, Consilii Nostri Privati præsidem, ac Consilii privati Nostri præsidem pro tempore existentem; Thomam Dominum Trevor, privati sigilli nostri Custodem, ac privati sigilli nostri Custodem pro tempore existentem; Lionelem Cranfield, Ducem de Dorset, Seneschallum Hospitii Nostri, ac Seneschallum Hospitii nostri pro tempore existentem; Carolem Ducem de Grafton Hospitii Nostri Camerarium, ac Hospitii Nostri Camerarium pro tempore existentem; Thomam Ducem Novi Castri unum primariorum Secretariorum Nostrorum Statûs, Thomam Comitem de Westmorland, Carolum Vice Comitem Townshend alterum primariorum Secretariorum nostrorum Statûs, ac Primarios Secretarios Nostros Statûs pro tempore existentes; Georgium Vicecomitem de Torrington Primarium Admiralitatis nostræ Commissarium, ac Summum Admirallum Nostrum atque primarium Admiralitatis Nostræ Commissarium pro tempore existentem; Arthurum Onslow nostrum domus Nostræ Communium Prolocutorem, ac Domus Nostræ Communium Prolocutorem pro tempore existentem; Robertum Walpole Nobilissimi Ordinis Periscilidis Equitem, Scaccarii nostri Cancellarium, ac Ærarii nostri primarium Commissarium, atque Scaccarii nostri

any person, or persons whatsoever, against whom any judgment, decree, or sentence, shall have been given or pronounced, by virtue of this our Commission, to appeal from such judgment, decree, or sentence, to our Right trusty and Well-beloved Councillors, the most Reverend Father in Christ William, Archbishop of Canterbury, and to the Archbishop of Canterbury for the time being; Peter, Lord King, Baron of Ockham, our Chancellor of Great Britain, and to our Chancellor of Great Britain, or Keeper of our Great Seal of Great Britain for the time being; the Most Reverend Father in Christ, Lancelot, Archbishop of York, and to the Archbishop of York for the time being; our High Treasurer of Great Britain for the time being; William, Duke of Devonshire, President of our Privy Council, and to the President of our Privy Council for the time being; Thomas, Lord Trevor, Keeper of our Privy Seal, and to the Keeper of our Privy Seal for the time being; Lionel Cranfield, Duke of Dorset, Steward of our Palace, and to the Steward of our Palace for the time being; Charles, Duke of Grafton, Chamberlain of our Palace, and to the Chamberlain of our Palace for the time being; Thomas, Duke of Newcastle, one of our Principal Secretaries of State; Thomas, Earl of Westmoreland, Charles, Viscount Townshend, another of our Principal Secretaries of State, and to our Principal Secretaries of State for the time being; George, Viscount Torrington, First Lord Commissioner of our Admiralty, and to our Lord High Admiral, and first Lord Commissioner of the Admiralty for the time being; Arthur Onslow, our Speaker of our House of Commons, and to the Speaker of our House of Commons for the time being; Robert Walpole, Knight of the most Noble Order of the Garter, Chancellor of our Exchequer, and First Lord of our Treasury, and to the Chancellor of the Exchequer, and first Lord of the Treasury for the time being; Robert Raymond, Knight, our Chief Justice

Cancellarium et Ærarii nostri primarium Commissarium pro tempore existentem; Robertum Raymond militem, Capitalem Justiciarium nostrum ad placita coram nobis tenenda assignatum, ac Capitalem Justiciarium nostrum ad placita coram nobis tenenda assignatum pro tempore existentem; Josephum Jekyll militem Magistrum Rotulorum Cancellariæ nostræ, ac Magistrum Rotulorum Cancellariæ nostræ pro tempore existentem; et Robertum Eyre militem, capitalem Justiciarium nostrum de communi banco, ac capitalem Justiciarium nostrum de Communi Banco pro tempore existentem. Quibus quidem Gulielmo Archiepiscopo Cantuariensi, ac Archiepiscopo Cantuariensi pro tempore existenti; Petro Domino King, ac Cancellario Nostro Magnæ Britanniæ, vel magni Sigilli nostri Magnæ Britanniæ Custodi, pro tempore existenti; Lanceloto Archiepiscopo Eboracensi, ac Archiepiscopo Eboracensi pro tempore existenti: summo Thesaurario nostro magnæ Britanniæ pro tempore existenti; Gulielmo Duci Devoniæ, ac Consilii Privati nostri præsidi pro tempore existenti; Thomæ Domino Trevor, ac privati Sigilli nostri Custodi pro tempore existenti; Lioneli Cranfield Duci de Dorset, ac Seneschallo Hospitii Nostri pro tempore existenti; Carolo Duci de Grafton, ac Hospitii nostri Camerario pro tempore existenti; Thomæ Duci Novi Castri; Thomæ Comiti de Westmorland; Carolo Vicecomiti Townshend, ac primariis Secretariis nostris Statûs pro tempore existentibus; Georgio Vicecomiti Torrington, ac Summo Admirallo Nostro atque Primario Admiralitatis Nostræ Commissario pro tempore existenti; Arthuro Onslow, ac domûs nostræ Communium Prolocutori pro tempore existenti, Roberto Walpole, ac Scaccarii nostri Cancellario atque Ærarii nostri Primario Commissario pro tempore existenti; Roberto Raymond, ac Capitali Justiciario nostro ad placita coram nobis tenenda assignato pro tempore existenti: Josepho Jekyll, ac Magistro Rotulorum Cancellariæ nostræ pro tempore

of Pleas before Us, and to our Chief Justice of Pleas before us for the time being; Joseph Jekyll, Knight, Master of the Rolls of our Chancery, and to the Master of the Rolls of our Chancery for the time being, and Robert Eyre, Knight, our Chief Justice of Common Pleas, and to our Chief Justice of Common Pleas for the time being, To whom, that is to say, to William, Archbishop of Canterbury, and to the Archbishop of Canterbury for the time being; Peter, Lord King, Chancellor of Great Britain, or the Keeper of our Great Seal of Great Britain for the time being; Lancelot, Archbishop of York, and to the Archbishop of York for the time being; our High Treasurer of Great Britain for the time being; William, Duke of Devonshire, and to the President of our Privy Council for the time being; Thomas, Lord Trevor, and to the Keeper of our Privy Seal for the time being; Lionel Cranfield Duke of Dorset, and to the Steward of our Palace for the time being; Charles, Duke of Grafton, and to the Chamberlain of our Palace for the time being; Thomas, Duke of Newcastle, Thomas Earl of Westmoreland, Charles Viscount Townshend, and to the Principal Secretaries of State for the time being; George Viscount Torrington, and to our Lord High Admiral and First Lord Commissioner of our Admiralty for the time being; Arthur Onslow, and to the Speaker of our House of Commons for the time being; Robert Walpole, and to the Chancellor of our Exchequer, and First Lord of our Treasury, for the time being; Robert Raymond, and to our Chief Justice of Pleas before Us for the time being; Joseph Jekyll, and to the Master of the Rolls of our Chancery for the time being; and to Robert Eyre, and to our Chief Justice of Common Pleas for the time being, being of our Privy Council, or to any three or more of them, being of our Privy Council;

existenti; atque Roberto Eyre, ac Capitali Justiciario nostro de Communi Banco pro tempore existenti; de Privato Consil ionostro existentibus, vel aliquibus tribus vel pluribus eorundem existentibus de privato Consilio nostro, plenam potestatem et authoritatem, de tempore in tempus, audiendi et finaliter terminandi omnes et singulas tales appellationes, et talia judicia, decreta sive sententias affirmandi, mutandi, sive revocandi, et finaliter judicia sive sententias superinde dandi et pronuntiandi, Damus et concedimus per præsentes, in tam amplis modo et forma quam Commissionarii sub magno Sigillo nostro magnæ Britanniæ constituti et assignati virtute Statuti anno Regni Domini Henrici nuper Regis Angliæ octavi vicesimo quinto editi, intitulat' an Act for the submission of the clergy, and Restraint of Appeals, in appellationibus ipsorum determinationi per statutum prædictum subjectis procedere possint et debeant; aliquo in præsentibus contento in contrarium in aliquo non obstante. Mandantes insuper et per præsentes firmiter injungendo præcipientes tam omnibus et singulis Gubernatoribus generalibus, judicibus et justiciariis nostris, quam omnibus et singulis rectoribus, incumbentibus, ministris, officiariis et subditis nostris quibuscunque infra Colonias, Plantationes, cæteraque Dominia nostra prædicta in America, quod ipsi et eorum quilibet tibi præfato Episcopo Londinensi, et Commissario sive Commissariis prædictis, in debita executione præmissorum sit et sint intendentes et auxiliantes in omnibus, prout decet. In cujus rei testimonium, has literas nostras fieri fecimus patentes. Teste me ipso apud Westmonasterium, vicesimo nono die Aprilis, anno regni nostri primo.

Per Bre' de Privato Sigillo

Bisse et Bray.

We do by these presents give and grant, full power and Authority, from time to time, to hear and determine, all and singular, such appeals; and, such judgments, decrees, and sentences, to confirm, change, or revoke, and final judgment or sentence thereupon, to give and pronounce, in manner and form as full as the Commissioners constituted and appointed under our Great Seal of Great Britain by virtue of the Statute of the twenty fifth year of Henry Eighth late King of England entituled, "An Act for the submission "of the Clergy and the restraint of Appeals," can or ought to proceed, in appeals subject to their decision, by the Statute aforesaid; anything in these presents contained, to the contrary, notwithstanding. Commanding, moreover, and by these presents strictly enjoining, all and singular, our Governor-Generals, Judges, and Magistrates, together with all and singular, our Rectors, Incumbents, Ministers, Officers, and Subjects of what sort soever, within our Colonies, Plantations, and other dominions aforesaid, in America, that they and each of them, shall be to you, the Bishop of London aforesaid, and to your commissary, or commissaries aforesaid, in all things, aiding and assisting, as is fit, in the due execution of the premises. In testimony whereof, We have caused these Our Letters to be made patent. Witness Ourself, at Westminster, the twenty ninth day of April, in the first year of our Reign.

By writ of Privy Seal

Bisse and Bray.

Governor Montgomerie to the Duke of Newcastle.

[New-York Papers (S. P. O.), No. 7, p. 286.]

New York May 6th 1728.

My Lord.

I presume to take this first opportunity of acquainting your Grace, that after a long tedious voyage, and being five months out of England, I arrived here on the 15th last month. I that day published His Majesties commission at New York, and at Perth Amboy in New Jersey the week after. I have been so short a while here, that I can not yet take upon me, to give your Grace a particular account of these provinces, nor of the circumstances of their frontiers on the side of the Indians; but I shall make His Majtys service so much my business, that I hope by the next ship that goes from this, to be able to give your Grace a full account of every thing that is trusted to my care. The only thing of consequence that I have don since my arrival, is the dissolving the Assembly, which Govr Burnet, call'd here last winter; I enclose a duplicate of my letter of this date to the Lords Commissioners of Trade, containing the reasons that induced me to take this measure, so shall not trouble your Grace with repeating them—Last week Lieutt Collins of Captn Hollands company dyed at Albany, there is here Walter Butler one of the half pay Lieutenants, sent over some years ago, and yet unprovided for. He is a man of a very good character, and recommended to me as well affected to the King's service: I have posted him upon the company, not doubting but that His Majty will approve of it; and I beg your Grace will as soon as possible get a commission for him. I shall not trouble Your Grace more now, but to beg your protection, and the continuance of your favor, with which you have always honour'd me, it shall be my constant care to behave as becomes one who is with the greatest respect,

My Lord.

Your Grace's most obedient and
most humble servant
(signed) J. Montgomerie.

Governor Montgomerie to the Lords of Trade.

[New-York Papers, Dd., 78.]

New York, May 6th 1728.

My Lords

I thought it my duty to take the first opportunity of acquainting Your Lordships that after a tedious Voyage, and being five months out of England, I arrived here on the 15th of last month. I that Day published His Majesties Commission here, and at Perth Amboy in New Jersey the week thereafter.

I have been so short a while in this Country that I dare not yet take upon me to give Your Lordships' a particular account of the state of the provinces, nor of the circumstances of the frontiers on the side of the Indians. I shall hereafter be very punctual in all my accounts,

and will always endeavour to put things in so true a light that Your Lordships may have reason to depend upon what Information I give You.

Governour Burnet tells me that he has sent you a full account of what was don in the Assembly here, which he dissolved in November last. He sometime thereafter issued writs for calling a new one, but they had not met when I arrived. Application was immediately made to me and the people of the best Interest of the Province advis'd me to dissolve this New Assembly; but I did not determin myself till I consulted with every member of the Councel singly, and with what Gentlemen of the Province were then in town: They all unanimously, and even Gov^{r} Burnet himself advis'd me, to call a new Assembly, as the most probable way to compose differences, and reconcile all animosities: In compliance with all their advices I dissolv'd the Assembly by Proclamation, and writs are preparing to summon a new one to meet after harvest.

All I can yet inform Your Lordships of, as to Affairs in New Jersey, is that in December last Governour Burnet met the Assembly there which ended in February; several Laws were past, of which he himself will give You a particular account. As soon as I can have them from the Secretary I shall transmit them to your Lordships Ingross'd under the Seal of the Province. I hope Your Lordships will be so good as to forgive the imperfect and indistinct accounts I have given you; Hereafter I hope to convince Your Lordships that my whole bussiness here shall be to do what is for His Majesties service, and for the good of the provinces he has been pleased to intrust to my care. I shall always strive to deserve Your Lordships Approbation, for I am, with great respect, My Lords,

Your Lordships' most obedient
and most humble Servant.
J. Montgomerie.

Endorsed
Rec^{d} } June 20th 1728.
Read }

Governor Montgomerie to the Lords of Trade.

[New-York Papers, Dd., 77.]

New York. May 30. 1728.

My Lords

When I had the honour to write last to Your Lordships I was in hopes to have sent you by this time the Acts past in the last Assembly of the Province of New Jersey. Thô I have sent for them several times I have not yet got them Ingross'd in the manner they ought to be transmitted to Your Lordships; But hereafter I shall take care to see the proper officers perform their Duty by having all Acts ready to be sent to Your Lordships as soon as can be, after they are past in the Assembly. Some months ago M^{r} Barbarie one of the Council of this Province dyed here; I did not presume in my last letter to desire Your Lordships to recommend any person to His Majesty, because I had not then been here long enough to inquire into peoples characters. I am now fully convinced that it will be for His Majesties Service, to appoint M^{r} James De Lancy to be one of the Councel here, He is every way well qualified for the post, his father is an Eminent Merchant, a member of the Assembly, one of the richest

Men in the Province, and he his eldest Son. So I beg Your Lordships will recommend him as a proper person to succeed Mr Barbarie. I intend to meet the Assembly here on the 22d of July; I shall be always ready to obey Your Lordships commands, for I am with great respect My Lords, Your Lordships most obedient

and most humble Servant

J. Montgomerie.

Recêd 18 July
Read 13 Novr 1728.

Governor Montgomerie to Secretary Popple.

[New-York Papers, Dd., 78.]

New York May 30. 1728

Sir

The hurry I was in at my first arrival here, made me be so long without acknowledging how sensible I am of the Obligations I owe you, for the civilities you shewed me before I left England. I beg the continuance of Your favour, and that you will allow me sometimes to write to you. As for the bussiness of this Province I refer you to my letters of the 6th and of this date to the Lords Commissioners of Trade; I beg You will put their Lordships in mind of recommending Mr James De Lancey to be one of the Council here, I have no view in desiring it, but the advancing His Majesties service and the good of the Province. I shall be very glad to hear from you when you are at leisure to write, I shall always have a great regard for whatever comes from you, and I am with much respect, Sir, Your most obedient

and most humble Servant

J. Montgomerie.

Recêd 18 July
Read 13 Novr 1728.

Governor Montgomerie to the Duke of Newcastle.

[New-York Papers (S. P. O.), No. 7, p. 243.]

New York Aug: 13. 1728.

My Lord.

I take this first opportunity of acquainting Your Grace, that the Assembly of this Province met here on the 22nd of last month, and I thought it my duty to send enclosed a copy of my speech to them, their address to me, and their resolve to grant a revenue for the support of His Majty's Governt of this province, as also a duplicate of my letter to the Lords Commissioners for Trade and plantations.

I believe Governour Burnet sent your Grace an account of some extravagant resolves of a former Assembly relating to the Court of Chancery; the members now returned, being mostly the same that were then, I had some reason to fear that they would begin where the other ended, which made me insist in my speech, upon supporting His Majtys prerogative with more warmnes, than otherwise I would have done. I hope it has had a good effect for I dont now hear, that they intend to proceed in that irregular way they were in last November—

I believe it will be for the King's service and the good of the province, that some alterations be made in the constitution of that Court; I have had several discourses with some of His Majestys best and most knowing subjects here about it, but we have not yet determined upon any thing nor is there at present any proposal ripe enough to be transmitted to your Grace. I shall always endevour to behave myself so as to deserve your Graces protection and as becomes one who is with the greatest respect

My Lord

Your Graces most obedient and
most humble servant
(signed). J MONTGOMERIE.

Governor Montgomerie to the Lords of Trade.

[New-York Papers, Dd., 79.]

New York August 13th 1728.

My Lords

I send Your Lordships by Captain Smith Commander of the Beaver, the Acts past in the last Assembly of the province of New Jersey, the Minutes of Council, and a letter from Governour Burnet relating to them. As also a List of Trading Vessels entered inwards, or cleared outwards at this port, from the 29th of Septêr 1727 to the 25th of March 1728.

Neither the Acts nor minutes are abstracted in the Margin as your Lordships ordered, but I hope the neglect will not be imputed to me who never saw them 'till the night before Governour Burnet left this place and it was then too late to have them altered. I beg leave to assure Your Lordships that hereafter whatever Acts or Minutes are sent by me from this or New Jersey they shall be abstracted in the Margin according to Your Lordships Instruction.

I hope Governour Burnet's letter will fully satisfy Your Lordships that there is no danger in applying the 5 per cent. Interest of the Jersey Bills, for the support of His Majesties Government of that province: The Certificates he sends are proofs that the Bills are annually and duely sunk, and that the Credit and Value of those that remain rises, while this is the case the art of Man will not induce the Assembly to apply the interest any other way, and it will be a dangerous thing to let such a sum remain in the Treasurer's hands.

The Assembly met here on the 22d of last month, I thought it my duty to send Your Lordships a Copy of my speech to them, their address to me, and their resolve to grant a Revenue for the support of His Majesties Government of this Province.

I beleive Governour Burnet sent Your Lordships an account of some Extravagant Votes of a former Assembly relating to the Court of Chancery; The members now returned being mostly the same that were then I had some reason to fear that this Assembly would begin where the other ended, which made me insist in my speech upon supporting His Majesties prerogative with more warmness than otherwise I would have done, I hope it has had a good effect for I do'nt now hear that they intend to proceed in the irregular way they were in last November.

I beleive it will be for the King's service and the good of the province that some alteration be made in the Constitution of that Court, I have had several discourses with some of His Majesties best and most knowing subjects here about it, but we have not yet determin'd upon

any thing, nor is there at present any proposal ripe enough to be transmitted to Your Lordships. As soon as the Assembly is up, Your Lordships shall have a particular account of all their proceedings, and I shall always endevour to behave my self as becomes one who is with very great respect, My Lords,

Your Lordships most obedient
and most humble Servant
J. MONTGOMERIE.

Recêd. 9. Oct^{r} 1728
Read,

Conference between Governor Montgomerie and the Indians.

[New-York Council Minutes, XV., 282-308.]

By his Excellency John Montgomerie Esq^{r} Captain General and Governour in Cheif of the provinces of New York New Jersey and the Territories

A PROCLAMATION

WHEREAS several Sachims of the five Nations are arrived here with many other Indians to treat with and about some publick affairs and Experience has shown how prejudicial to his Majestys Service and dangerous to the peace of the Inhabitants the Giving or selling of Rum or other Strong Liquors to those Indians has at all times been, These are therefore by virtue of the powers granted to Me by his Majestys Letters patents under the broad Seal of Great Brittain strictly forbidding the selling or giving to the Indians any such Liquors during my residence in this place as they will answer it at their peril And all Magistrates Justices of the peace or other Civil Officers are hereby required and impowered to give all due assistance and Countenanse to such as shall dilate or inform against any person or persons Acting contrary to the Tenor and intent of this proclamation to the ends that such Delinquents may be prosecuted And to the uttermost Severity of the Law Given under my hand at Albany this Thirtieth day of September in the Second Year of his Majestys reign Annoq Domini 1728

GOD SAVE THE KING

(Signed) JOHN MONTGOMERIE

Albany the first day of October 1728

The Sachims of the Six Nations being this day arrived desired to have a Conference with his Excellency John Montgomerie Esq^{r} &c before his Excellency made his proposition to them.

PRESENT— His Excellency John Montgomerie Esq^{r} &c:
George Clarke, Francis Harison, Phillip Livingston } Councellors
The Commissioners for Indian Affairs

They came to his Excellencys lodgings and one of the Sachims made the following speech.

Brother Corlaer

Last Fall a Message with a token was Sent to Each Nation Acquainting Us that his late Majesty King George the first was deceased for which we were very much concerned and

heartily Sorry because he was A King of peace And Almighty protector of his Subjects and Allies but at the Same time we received the good news that the prince his Son now King George the Second Crowned in his place hoping that he will follow his Fathers steps Gave some Skins

We were acquainted at the same time that King George is a Young man we hope he will follow his fathers steps that he may be as a Large flourishing Tree that the branches thereof may reach up to Heaven that they may be seen of all nations and people in the World We ingraft cions on the Same branches Which we hope will thrive and that the Leaves thereof will never fade nor fall off, but that the same may grow and flourish that his Majestys subjects and allies may live in peace and Quiet under the shade of the same Gave some Skins

We Have now done what we Intended to say at present

His Excellency Answered

Brethren

The concern you express for the loss of his late Majesty the King of Great Brittain will recommend you very much to the favour of his Son the present King who as he succeeds to his throne inherits all his virtues and I hope the kind Message I am to deliver to you from him to morrow will Comfort you for his fathers death,

Gave some Strouds blanketts and some Barrels of Beer to drink the Kings Health

PRESENT—His Excellency John Montgomerie Esq^{r} &c^{a}
George Clarke, Francis Harison, Phillip Livingston } Councellors
The Commissioners for Indian Affairs
The Mayor Recorder and Aldermen of Albany
M^{r} James De Lancey
Cap^{t} Robert Long
And several other Gentlemen attending the Governour

His Excellency made the following propositions to the Sachims of the Six Nations viz^{t} Maqua's Oneydes Cayouges Onnondages Sinnekes and Tuskaroris

Brethren

It is with great pleasure that I meet you here and I am very sorry that I could not do it sooner. but you will be convinced that it was not my fault when I tell you that in crossing the great Lake I mett with so violent storms that I was driven quite off this Coast and it being in the winter season was forced to go a great way Southward to refit the man of War in which I came. So it was five Months after I sailed from England before I arrived at New York The Buisness of that province which was absolutely necessary to be done at my first Arrival has detained me there ever since and retarded the delivering the Kind Message I bring You from my Master the King of Great Brittain

His Majesty has ordered me to tell you that he Loves You as a Father does his Children and that this Affection towards you is Occasioned by his being informed that you are a brave

and honest people the two Qualitys in the world that recommend most either a Nation or particular persons to him He has also been informed that you Love his Subjects the English and that you desire to Live with them as Brethren, Therefore he has Commanded me to renew the old Covenant Chain between You & all his Subjects in North America, And I expect You will give me sufficient Assurances to do the like on your part. Gave a large Belt of Wampum

Brethren

Besides the two Qualitys of Bravery & Honesty His Majesty is convinced that you are a Wise people Angood Judges of Your own Interest how happy then must you think your selves when the Greatest and powerfullest Monarch in Christendom sends me here to confirm the Ancient ffriendship betwixt You and his Subjects to Assure you of his fatherly care and to tell you that he thinks himself Obliged to Love and protect you as his own Children. You need fear no Enemies while you are true to your Alliance with him I promise You to take care that none of your Brethren here shall do You wrong and if any Neighbouring Nation be so bold to Attempt to Disturb you You need not fear they care or can do since You have the King of Great Brittain on Your side who is a prince Early initiated into war And formed by nature for the greatest military Atchievements will whenever there is of Occasion for it put himself at the head of the finest body of Troops in the world who are all his own natural born Subjects he has at present a Fleet of Ships in so good order And so well Commanded that they would be Master of the Great Lake thô the fleets of all the Kings in Europe were joined against them Gave a Belt of Wampum

Brethren

After what I have told you I am Convinced that so wise a people as you are will glory in behaving as becomes the faithfull Children of so great and powerfull a King who Loves you, & will resent any injury done to you as if it was done to his Children on the other side of the Great Lake Gave a String of Wampum

Brethren

I now Expect you are now Convinced that the Garison and House erected at Oswego is not only for the Conveniency of the far Indians to carry on their Trade with the Inhabitants of this province but also for Your Security and Conveniency to Trade there for such necessarys as you have Occasion for, and at as Easy, terms as if none of the Upper Nations came to trade thither therefore I make no doubt but that you will at all times defend this Garison against all Attempts which may be made against it According to Your former promises & Engagements I desire you to give And grant to your kind ffather His Most sacred Majesty a Convenient Tract of Land near Oswego to be so cleared & manured to raise provisions for his Men and pasturage for their Cattle Gave a Belt of Wampum

Brethren.

I hear that you have been often Apprehensive that a Trade with the Indians would be to Your prejudice And that it would make Goods you want dear but I can assure you that the woollen Manufactory in Great Brittain is able to Supply the whole world so the Greater Trade is Carried on the greater will the Supply be and Cheaper than formerly, I Do Entreat You to be kind to the traders and not molest them as they go up but Let them pass quietly Gave a String of Wampum

Brethren

I am informed that the Indians from Canada who are gone with the ffrench army against Aremote Indian Nation have been among you endeavouring to entice your Young men to go with them to war against a people who never Annoy nor molest you I am glad your Young men have refused to go with them whereby You show that you endeavour to Cultivate a Good understanding with those Indians to make them Your friends And encourage the good design of promoting a trade betwixt us & them. I expect you will persist in Your good behaviour towards these and all other remote Indian Nations it will be a means to Strengthen your Alliances and make you a Great people. Gave a Belt of Wampum

Brethren

His most Gracious Majesty the King of Great Brittain your Indulgent Father & my Master has Ordered me to make You in his name a handsom present of such Goods as are most suitable for You which you shall receive as soon as you Give me your Answer Gave a String of Wampum

Albany the fourth day of October 1728.

PRESENT— His Excellency John Montgomerie Esq^{r} &^{c}
George Clarke, Francis Harison, Phillip Livingston } Councellors
The Commissioners ffor Indian Affairs

The Sachims of the Six Nations made the following Answer to his Excellency

Brother Corlaer

We are very glad you are Arrived here in good health You told that Your Master the King of Great Brittain had sent You It is a very dangerous Voyage in Coming over the great Lake the reason that we are glad you arrived in health is because of the good Message You bring to us from Your Great Master the King of Great Brittain we would have been very Sorry if any Accident had happened to Your Excellency in this dangerous Voyage.

You Acquainted us at our Coming hither that you had met with Great Storms had been driven from the Coast And had been five Months coming to Your Governm^{t} and that was the reason detained you at your first Arrival of meeting sooner.

You told us also that you were ordered by the Great [King] Your Master to renew in his Name the old Covenant Chain with us And not only to renew the same but to make it brighter & stronger than ever

You have renewed the old Covenant Chain with the six Nations in the Name of Your Master the King of Great Brittain we in like manner renew the Covenant Chain Gave a Belt of Wampum

Brother Corlaer

This Silver Covenant Chain wherein we are linked together we make Stronger & cleaner that it may be bright we shall give no occasion for the breach of our Covenant if we are like minded then we and our Childrens Children shall Leave in peace You Acquainted us also that the great King Your Master and ourFather bears Great kindness to us as a Father does to

his Children And if any harm or Attempt be made on us he will resent it as if it was done to his Children on the other side of the Great Lake, for which kind message we return our most hearty Thanks Gave a Belt of Wampum

Brother Corlaer

We shall not repeat all Your Excellencys propositions but only the principal Matter therein contained.

You told us what was the reason why his Majesty our Father so affectionatley Loved us for two Qualifications of being an honest and brave people It is true as You say that the Six Nations when they are Sober and not in Drink will not molest or Injure any body but there is one thing in the way that is Strong Liquors which your people bring up to our Country therefore Brother we desire you very Strongly to prohibit the sending or Carrying up Any Strong Liquors which your people bring up to Your Country [as they may beget] A Quarrel betwixt Your people and our Young Indians Our Ancestors have fetched Rum Out of this City when they wanted it Let them who want Rum be it Man or Woman fetch it from hence therefore we desire again that you do not refuse our request but grant it effectually. if you knew it we have Already lost many men through Liquor which has been brought up and Occasions our people killing one Another. Gave a String of Wampum

Brother Corlaer

This is now a Day of Joy and Gladness that we meet together in this place of Treaty that we may Smoak a pipe in Friendship, And it is very Acceptable to us to meet Your Excellency here in Good health

You have recommended to us the Traders who Go up to Let them pass & repass freely without any Molestation, We promise to do them all friendly Offices in our power Let them come with such Goods as Powder Lead Strowds and other dry Goods which will be Acceptable Except with Rum

Brother Corlaer

You desired a tract of Land near the House at Oswego for your Men to plant and to raise provisions for them and pasturage for their Cattle

It is with the full consent of the Six Nations allowed You to plant & sow at or near Oswego, and to have pasturage for Your Cattle according to your desire, and we shall mark out such a tract of Land as shall be necessary for Your men to raise provisions and pasturage but we will not be pleased if after it is marked out You do go beyond the Limitts that we fix Gave a Belt of Wampum

Brother Corlaer

You told us that if any Attempts be made Against the House at Oswego we should defend it We Acquaint you that last when Liberty was desired to build there it was told us the same was built on purpose to defend and protect the six Nations because it is the Frontier of our Nation therefore we rely on Your performing of these promises—

You told us also that you heard that We were Apprehensive that if the far Nations bought any Goods here they would become dear but that the more trade there is the more goods will be sent hither And that there is wool enough in England to Supply the world we are very Glad to hear this the house at Oswego is the most Convenient place that can be for Trade it is a place where all the far Indians must necessarily pass we desire that Goods may be Sold

somewhat Cheaper to us and that would be a motive to draw all the five Nations to us And Join with us for through Cheapness of Goods will become peace and Unity Gave a String of wampum

Brother Corlaer

You told us of your being informed that when the French Army went up last Spring against the far Nations some French Indians had been Amongst us to Entice some of our Young Men to go to war along with them Against a peaceable people that you was glad our Young men refused to go with them for by these means the far Indians will become friends to the Six Nations

Brother Corlaer

It is true that the French did desire us to go with them but we refused And rejected their proposalls because we are convinced that the French bears us No friendships And we have no very great dependance on them for if this Army could they would have subdued the Six Nations And instead of Going against the foxes would have mastered us when it was time of peace for they made us several threatnings. You have recommended to us to Cultivate a Good Understanding with the far Indians and draw them as much as we can to Join with us It is true we had War against this or that nation but never have been the first Agressors all who have made War with us have felt the weight of it, we promised You to draw as many far Indians to this Government as we can. Gave a Belt of Wampum

You Accquainted that you had brought a fine present for us from our Father the King of Great Brittain we thank you heartily but as it is Late we desire You delay delivering it till too Morrow

His Excellency Answered

Brethren

As to what you desire that no rum should be sent up in Your Countrey it is absolutely necessary to send rum to oswego for the refreshment of the men in Garrison there And those that carry up provisions to them, But I shall give strict order that none of my people do Send or Carry up Any Strong Liquors to yours, if any shall transgress I Expect you will inform ag^{t} them, for you know how difficult it is to restrain them from Selling and Your people from buying I thank you in my master the King of Great Brittains name for the Land You have granted for the use of his Garrison at Oswego I desire you will Express how many thousand fathom in Length and Breadth you will give him and will send up a fit person to mark out the bounds with you And I promise you not to go beyond the bounds you Appoint by this You may see that the English do not deal with you as the ffrench do who take your Lands without your Leave. The House at Oswego was built for Your protection So if it be attacked by any body whatsoever I expect you will Assist the English Garrison there in defending it for nothing can be more natural then for You to Assist in the defence of a place which is maintained for Your Security

I desire you to Send some of your people to Morrow morning to receive the presents.

Albany the fifth day of October 1728.

Two Sachims of each of the six Nations desired a private Conference with his Excellency the Governour who recèd them at his Lodgings where one of the Sachims spoke as follows

Brother Corlaer

We are very glad that you have renewed the Ancient Covenant & strengthned the same with us which we have on both sides kept inviolable We are also very Glad that you our Brother Corlaer who is Now come over to us is a wise and prudent Man We must Esteem you so because you have spoken very Sensibly Brother it seemed Yesterday as if you were displeased that we did not promise to defend the House at Oswego it has been of old concluded between Your Ancestors and ours that we should be one body and one Heart so what is done to one member the whole must be sensible of it and resent the Injury done to any part of it. We have Just now told you that we are one body and one heart, You desired that if any attempt be Made against the house at Oswego that we should defend it how do you think that we should not do so for we have no Affection to the ffrench who have been our Ancient Enemys whom we in the late war had almost Subdued and Conquered for we have run down & destroyed whole villages So that if the bones of the French and of us were Gathered together they would make heaps as High as Houses.

Brother Corlaer

Yesterday when we made our Answer We did not proceed in a regular Order We understood from You that when any of our Neighbours might be so bold as to disturb us we need not fear while our King & common Father will protect us who has a large ffleet of Ships ready to employ on any occasion. You told us that our Great King is very watchfull to have so great a fleet ready on all Occasions which is very prudent but that is a great distance from here We hope that you will be pleased to take the same care here to have every thing in readiness in case We or You should be molested by your Enemies for which end it would be very proper to have every thing in readiness of all things necessary for war on Occasion —

We Desire for the Last time that you may not be negligent to have a Magazine here of all things necessary to be ready on all Occasions but to grant it and get it done for we may be Attacked by our Enemies on a sudden and when a Magazine is furnished we can want for no thing We have never made any promises on our Side to former Governours but we performed them

Brother Corlaer

You may possibly know more then we do and know if there be any Likelyhood of War between the Kings of Great Brittain and France We Desire you to inform us what you know about that matter if there be any probability We beg that we may be informed and well Supplyed with Ammunition for we have never waged War with any Nation but we have Subdued and Conquered them this is the only method of Security for you and us to have Ammunition enough in Readiness in former times we were Sufficiently Supplyed with it by which we conquered our Enemies & for we were Obliged to our brethren who Supplyed us Cheap for we could Buy more for one Beaver skin then we can for four or five now

We Spoke Yesterday relating to the Rum that your people should not Carry it up to our Countrey for if we See it we cannot forbear to buy and drink it we desire that no rum may

be brought up but pray understand us right We do not mean that no Rum should be Carried up at all but none brought into our Castles Let it be brought to the trading house at Oswego And pray take Care that the Traders do not mix it with water let them Sell pure Rum and those who buy let them pay for it. This is what we should have said Yeterday. we beg again that you give Strict orders to your people not to Carry up Rum to our Castles, for when they come they entice us to buy and drink it, Let them bring it to Oswego at the Same time give particular Directions that they bring thither Guns and Ammunition and such things as we have Occasion for but not Rum only, We desire also if it be in your power to Let us have goods Cheaper than they are sold to us at present.

Brother Corlaer.

You desired to know Yesterday how many thousand fathoms the Lands we have granted to his Majesty at Oswego would Extend in Length and breadth which is a Thing we cannot very well tell now while severall Sachims are at home in our Castles whom we ought first to Consult as to the Quantity and who would otherways be displeased at it.

The Land which you desired is absolutely Granted to his Majesty our Common Father on which You may depend for it is agreed by us all that he shall have it but as to the Quantity we must Consult first with the rest of the Sachims And then shall mark it out when we come home and have consulted them pray Let a fit person go up with us to see the Land marked out we know none so proper as Laurense Clausen the Interpreter who is one of us And understands our Language.

We have done speaking and what we have Said we should have said Yesterday in publick but it was neglected

His Excellency Answered

Brethren

I allways had a great Esteem for the six Nations And now since I have had some Meetings with you my Esteem is Encreased because I am better Acquainted with You the kind Answer you have given will Confirm his Majesty the King of Great Brittain in the Good Opinion he has of you, the thing that seemed to displease me Yesterday was that I thought You made some difficulty in promising to Assist the English Garrison in the defence of Oswego in case it was Attacked, but You are now full satisfyed me as to your good and friendly Intentions and as we are Children of one Common Father I have orders from the King my Master to Assist the Six Nations if any of their Enemies Attack them and shall be ready myself to Come to their assistance if it be necessary.

As to your Trade of rum and other things I shall take care that you shall not be abused and what you demand shall be granted According to Your desire

As to what you desire to know of the King of Great Brittains alliance with the King of France they are at present in very good friendship together, but as there has been often War betwixt the two Nations the King of Great Brittain will allways ready to make warr in Case he or any under his protection be Attacked And I beleive he will have large Magazines here and in other Convenient places to supply all his Children in Case of war.

I Consent that Laurence Clausen the Interpreter go up with you as you desire to mark out the Land you are to give his Majesty at Oswego And as he is your kind father I Expect you will give him a Large tract

You may now whenever you are ready receive the presents I am to make to you, You shall have provisions provided for your Journey & Waggons to Carry you to Schenectady where some good Rum shall be delivered to you, for you know the Inconveniency of Your Young mens getting drunk with it here I Wish with all my heart a Good Journey home and all happiness

A Sinneche Sachim said

Brother Corlaer

It has been Customary when we came here towards the fall that a Smith and an Armourer to be sent to work for you but then to work in our Countrey we beg you to grant us now that Joseph Van Size and Hendrick Wemp may be Ordered to go up with us who are fit persons for our Occasion his Excellency answered I will order a Smith and an Armourer to be sent to work for you but then I Expect that you will not suffer the ffrench Smith who is now there nor any other from Canada to reside among you for the Future

Albany the 7th day of October 1728

PRESENT— His Excellency John Montgomerie Esqr &ca
George Clarke
ffra: Harison } Counsellors
Phillip Livingston
The Commissioners for Indian Affairs

His Excellency not having been able to deliver in publick the presents to the Sachims of the Six Nations on Saturday last being prevented by the rain the said presents were this Day delivered to them by his Excellency in the Name of his Master the King of Great Brittain which presents consist of the ffollowing particulars.

66 Fuzees	30 Kettles	1500 flints
65 Scarlet Coats	59 Hatchets	1000 pound of powder
66 Laced hats	40 doz: Stockins	2000 pound of Lead
8 peices of Strouds	40 lb of Beads	1000 pound of Tobacco
6 peices of Duffles	48 tobacco Boxes	1 box of pipes
6 peices of Blanketting	54 Looking Glasses	1 Hogshead of rum
8 peices of half thicks	23 doz: Clasp knives	6 Barrels of pork
256 Shirts	8 doz: Single Do	
57 finer Ditto	10 doz pair Scissars	

His Excellency then said

Brethren

I shall be Glad to meet you here again as soon as possible to Morrow You shall have a Bull to hunt and some Barrels of Beer to drink the King of Great Brittains health, I desire you will prevent your Young Men doing Mischeif to the Countrey peoples Cattle upon the Road as they Go home

A Sachim Answered

Brother Corlaer

You Acquainted us that your Master the King of Great Brittain our Father has sent us by you this present for which we are very thankfull, we are Glad and Joyfull that we see you have such a Great Affection for us, this is the place appointed of old to meet we are very much rejoyced our Brother Corlaer is safely Arrived here because the Sea is Tempestuous & dangerous to cross We have brought a small present to Your Excellency to Anoint your ffeet with after your Long Journey hither to meet us, We wish you a Good Voyage to New York and shall be glad to hear you are Safe arrived for Death follows every where

A Sinneke Sachim said

Brother Corlaer

We desired a Smith & an Armourer but we do not hear further of it, You spoke about a ffrench smith who is with us now, he can Make no work for he is an old man And can scarce see So we beg again that Joseph Van Size and Hendrick Wemp may go up with us we would fain have the smith and the Armourer go with us Now that we may be sure of them otherwise it may be neglected.

His Excellency answered

Brethren

I will Give Effectual orders to the Commissioners to send a Smith and an Armourer with you to work in your Country. I wish you Again a Good Journey and all Happiness

Albany the fifth day of October 1728.

PRESENT— His Excellency John Montgomerie Esq^{r} &c
George Clarke
Francis Harison } Councellors
Phillip Livingston
The Commissioners for Indian Affairs
M^{r} James De Lancey
Cap^{t} Robert Long
And Several other Gentlemen Attending the Governour

The Schaahook and River Indians attending his Excellency the Governour he Spoke to them as follows.

Children

I sent for You to give You fresh Assurances of the protection of his Majesty the King of Great Brittain my Master our Father and Sovereign and to acknowledge in this publick manner the Just Sence I have of your former dutiful behaviour and Fidelity to his Royal predecessors and of Your Affection to your Brethren the rest of his Subjects in this Country, In his Majestys Name and by his Order I renew with you the Ancient Covenant Chain and

give you a present of such things as will be use to You I Expect you will Continue firm to your duty in time Coming as you have done hitherto if You do so You may rest Assured not only of protection but of all other Good Offices from those who are under Authority under the King of Great Brittain our Father and Sovereign Gave a Belt of Wampum

Children

It is with Concern I tell you that I am informed that many of your Nation have of late Misbehaved themselves and on ffrivolous pretences and wrong Notions have left their native Countrey Schaahook and gone to live in Canada A place not so good and Fertile as that they have deserted I desire You to use all proper means to perswade them to Return, Care shall be taken that You and they shall have sufficient Tracts of Land for You and Your Children to plant and Cultivate that You may all again shelter under the branches and Leaves of that tree of peace which has long since been planted at Schaahook I will take care that it flourish and grow if You hear any Rumours to disturb you be not too Credulous as many of you have been lately but inform me of what You hear if it be false I will undeceive You and I promise to tell you allways the truth Gave a Belt of Wampum

The Indians answered by their Sachim

Father Corlaer

We are very Glad that you are come to visit Your Children and rejoice to See that the tree which has been long since planted at Schaahook is come to Life again and gets Nourishment when we thought it was almost withered and decayed

We are extremely well pleased to perceive that the Fire which used to burn at Schaahook but was almost extinguished is kindled Again Gave two Beaver Skins

Father Corlaer

We are much Comforted to hear you renew the old Covenant Chain with us, We do now bring Furr to wrapp it up in that the same may not rust but keep bright & Clean. Gave two Beaver Skins

Father Corlaer

We are rejoyced that our Grand father has such a Great Value and Esteem for us as to send you one of his Sons to be our Father who does us the Honour to send for us Gave two Beaver Skins

Father Corlaer

You have recommended to us that we should use our Endeavours to fetch from Canada those who have deserted from Schaahook we promise to use all possible Means to perswade them to return to their Native Countrey Gave two Beaver Skins

Father Corlaer

It is somewhat difficult for us to Increase our Number at Schaahook it has been often recommended to us by those in Authority here to Settle there and bring those back who are gone to Canada we can scarcely expect the Land that is promised for we are Molested in that which is our own by people who live near us we Came home late last Spring from our Hunting and planted some land And now this Fall our Indian Corn has been carryed away

the Fences about our Land are old and rotten so that the Cattle destroy much of our Crop as we told you when we came home last Spring we found some of our Lands planted by Your people we would have paid them for their Trouble but they refused Yet we hoed the Indian Corn twice And now Your people have against our Will And by violence Carried it of from our Fields

His Excellency Answered

Children

I thank you for Your kind Speech And I shall take Care to let your Grand father the King of Great Brittain know how Good a people you are as to the Complaint you have made Against his [Subjects] your Neighbours if you will let me know the peoples Names who have Injured you, I willorder them to be punished and you Satisfyed Gave them his Majestys present

A True Copy Examined & Comp p^r^

PHILLIP LIVINGSTON Secr^y^ for
the Indian Affairs

Lords of Trade to Governor Montgomerie.

[New-York Entries, L., 120.]

To Coll: Montgomerie Gov^r^ of New York and New Jersey.

Sir.

Since our letter to you of the 20th of June, we have received your's of the 30th of May and 13th of August, as also one, which you inclosed to us from M^r^ Burnet, dated the 3rd of July last, with the several publick papers therein referred to.

We have sent the several New Jersey Acts to M^r^ Fane, one of His Maj^tys^ Council at Law, for his opinion thereupon, and so soon as we shall have received the same, we intend to take the said Acts into further consideration.

We have recommended M^r^ De Lancey to be of the Council of New York, in the room of M^r^ Barberie, deceased, according to your desire.

We have considered M^r^ Burnet's reasons for having given his assent to the *Act for appropriating a part of the Interest money, paid into the Treasury, by virtue of a Law of this Province, to the incidental charges of this Govern^t^ and for subjecting the residue to future appropriations*, and we have read the certificates which he enclosed to shew, that the paper Bills have risen in value, since the passing of this Act; but we can by no means agree with him, that the interest arising from thence, having been detained in order to answer any deficiency, which might have happened, has given no credit to these Bills, supposing even that this was a fact.

We can't imagine how M^r^ Burnet can justify his having given his assent to any Act for applying the said interest money, without a clause for preventing the said Acts taking place till his Maj^tys^ pleasure could be known thereupon or at least without having consulted us, after having received a letter, wherein, we so sufficiently explained our thoughts upon this subject.

We find by the last Clause of this Act, that the Interest money, as the same shall rise, is made applicable to such uses, as the Gov^{r} Council and Assembly shall direct, so that should this Act remain unrepealed, till the Act for creating paper money expires, and any deficiency should happen, a Tax must then inevitably be laid upon that County where such deficiency shall happen, to make good the same, but if none should happen, the interest arising from these Bills will then be so much clear gain to the province. We therefore desire, you will move the Assembly to pass an Act for repealing this last clause, and if they dont think proper immediately to comply therewith we will lay this Act before His Majesty for his disallowance.

We are the more determined upon this point because, the gain which will accrue to the Prov^{ce}, cannot arise till the Paper Money Act shall expire, and therefore, the interest already paid in by the borrowers, having been applyed to different uses, than that to which it was originally designed, has prevented the sinking the same value of paper Bills as that interest would have amounted to.

Upon this head we shall expect to hear from you as soon as possible.

We hope, you will be punctual in giving us constant accounts of whatsoever shall happen, that His Maj^{ty} may be regularly informed of all transactions within his provinces under your command.

His Maj^{ty} having been pleased, upon our Representation to him, to disallow an Act passed in the Prov^{ce} of New York in 1727. Entituled: "An Act for preventing prosecutions by Informations"—you will herewith receive an order for repealing the same. So we bid you heartly farewell, and are Your very loving friends and humble Ser^{vts}

P. Doeminique.
O Bridgeman.
W Cary
Tho^{s} Frankland.

Whitehall
Nov^{r} 20th 1728.

Governor Montgomerie to the Lords of Trade.

[New-York Papers, Dd., 83.]

New York, November 30th 1728

My Lords.

I had the honour of Your Lordships' letter of the 20th of June and I return my most humble thanks for the favourable hopes you are pleased to entertain of my Administration, and the Assurances you give me of Your assistance and protection, which I shall always endeavour to deserve.

My last letter to Your Lordships was of the 13th of August by Captain Smith in the Beaver, with it I also transmitted the Minutes of Council, And Acts passed in the last Assembly that Governour Burnet called in New Jersey: I did not then nor shall I now presume to make any remarks on what was done by my predecessor, but I beg leave with great Submission to suggest, that I think it will contribute very much towards my carrying on Successfully His Majesties Service in New Jersey, if the obtaining the Royal Assent to the Triennial and

Quaker's Act, be at least delay'd 'till you know how the Assembly of that Province behaves when I meet them at Burlington on the 10th of next Month.

When I wrote last I told Your Lordships that the Assembly of New York was then sitting, and I shall now give a particular account of Nineteen publick Acts and three private ones that were passed that Session.

N° 1. An Act for the reviving the Militia Act for two years. I need say nothing in favour of this Act that which it revives having been transmitted to Your Lordships by Governor Burnet.

N° 2. An Act to lay a Duty on Empty Casks, is intended to encourage the Manufacture here, and this Method of laying a Duty on Empty Casks imported from the neighbouring Colonies is better than a positive prohibition, and will either answer the end effectually or bring something into the Revenue.

N° 3. An Act to continue the currency of Bills of Credit &c to the value of 5000 Ounces of Plate 'till the 1st of July 1729, is of the same nature with others past formerly and transmitted to Your Lordships by Governour Burnet.

N° 4. An Act to revive an Act for mending and keeping in repair the Post Road from New York to King's Bridge, is of general use.

N° 5. An Act to continue an Act to destroy Wolves in the Counties of Albany, Dutchess and Orange; and

N° 6. An Act to prevent Swine running at large in Dutchess County &c Being adapted to the present occasions and circumstances of these places, I readily assented to them, the Council having passed them without Amendment.

N° 7. An Act to repeal some parts and to inforce other parts of the Act therein mentioned, and for granting several Duties to His Majesty for supporting His Government in the Colony of New York.

This Act repeals the former Revenue Bill which was by its own limitation to expire the 1st day of July next, and grants a Revenue for five Years from the 1st of September last; The Land Tax of 1200£ is continued for this Year only, and some of the duties given by the former Act are lessened by this: The Reason that the Assembly gave for it is that there is in the Treasury a very considerable Sum of Money which the former Revenue brought in over and above the Ordinary Expences of the Government, so that if the Revenue now given falls short of what is intended they will have time enough to provide against Deficiencies.

N° 8. An Act to revive an Act for encouraging Navigation. I willingly Assented to this, the Act which it revives having by experience been found very useful, to which I beg leave to refer.

N° 9. An Act for the better clearing, regulating and further laying out publick High Roads in the County of West Chester was much desired by the Country and past the Council without any amendment.

N° 10. An Act to impower the Treasurer to deliver up a Bond entered into by Gilbert Livingston &c appeared to me very reasonable and Your Lordships will perceive by the Preable of the Bill the equity upon which it is founded.

N° 11. An Act for the better clearing regulating and further laying out publick high Roads in Dutchess County: was much desired and past the Council without any amendment.

N° 12. An Act for Naturalizing Jan De Wit Peteriz and others: is warranted by many Examples of the like kind and encourages the peopling the Province with usefull and industrious Men.

N° 13. An Act to amend the practice of the Law and to regulate the giving of Special Bail: was earnestly Desired by the Assembly and as it was sent by them to the Council it was made perpetual, Although the Council found that it took from the Supream Court part of its Jurisdiction, and gave to the Inferior Courts more than they had before, yet being willing that the Province may have some tryal of the good effects which they hope for from it, and that the ill effects, if any should happen, may not be perpetual, they by an amendment limited the duration of it to two years, As for my own part since I had reason to beleive that the good and ease of the people was principally intended by this Act, and since the Council & Assembly agreed in the amendment mentioned, with some others of less moment I was not unwilling to give my Assent to it. I beg Your Lordships will be pleased to take it into consideration and give me directions what to do against the Expiration of the Bill, when I must expect to have the revival of it proposed for a longer time or to make it perpetual.

N° 14. An Act to enable the Justice of Peace in the County of Richmond to build a County House and New Goal. Your Lordships will see by the Preamble that this Bill was much wanted, and truly the sums raised for these purposes are generally so small that some County or other frequently wants the help of such an Act to repair their Old or build New ones.

N° 15. An Act to prevent Damages by Swine, in the precinct of Tapan &c. I assented to for the same reasons I gave Your Lordships N° 5th & N° 6th.

N° 16. An Act for raising the sum of one Hundred Sixty Eight Pounds, Sixteen Shillings and five pence half penny in the City and County of New York for Discharge of the Debts and Demands therein mentioned, shews in the preamble the reasons for my passing it.

N° 17. An Act for Naturalizing Thomas Timmer: was past for the same reasons I gave Your Lordships for the Act N° 12.

N° 18. An Act for the better perfecting and compleating a publick common high way through the County of Ulster; past for the same reasons as Act N° 11.

N° 19. An Act to let to Farm the Excise of Strong Liquors retailed in this Colony: Is absolutely necessary and has generally past from year to year though this differs somewhat from those past before: The Excise of the Respective Counties being by this to be let by way of Auction, whereas by the former Act it was let to each retailer by private persons appointed by the Act for that purpose: This Method is now taken in hopes of encreasing the Excise.

N° 20. An Act for regulating Fences for the several Cities and Counties within the Colony of New York: was much desired in many places and necessary in all.

N° 21. An Act for confirming an Act therein mentioned, with some alterations and Additions, for paying provisions and other stores and Services already furnished and done for the use of the Trading House at Oswego &c: Your Lordships already know the Motives for building this House and the great advantages expected from it; that there was an officer posted there with 20 Men, a Sergeant, Corporal, and Drum. This Bill is intended principally to support that place and garrison, which I must have withdrawn and deserted the House unless this Act had past.

I beg leave to refer Your Lordships to the Minutes of Council of the 19th September, wherein the Committee to whom this Bill was committed, take notice of the inconveniency they lay under in not having time to consider the Bill as they would, nor to make such amendments as they might think necessary. But since the fate of Oswego depended upon it they consented to pass it without any amendment, and I was obliged to give my Assent or

immediately recall the garrison which at that very time was very near reduced to the point of Starving. But I intend earnestly to recommend it to the next Assembly to pass all Bills of Importance as early as possible, that both the Council and I may have time to consider them.

N° 22. An Act for raising two hundred pounds for repairing the Barracks in the Fort at New York; was very much wanted for I found them in a ruinous condition. This Sum will not be sufficient to put them in a tolerable repair, but may for the present keep them from tumbling down.

I send the Acts Printed and Sealed as usual with the Minutes of Assembly and Minutes of Council to this date as also a List of Trading Vessels entered inwards or cleared outwards at this port from the 25th of March 1728 to the 29th of September next following.

I beg leave here to inform Your Lordships that the Assembly (encouraged by Governour Burnet's assenting to such an Act last year in New Jersey) past an Act for frequent calling and holding Assemblies in this Colony, which the Council finding to be of an extraordinary nature amended by adding a Clause that it should not take place till His Majesty's pleasure be further known about it. The House of Representatives disliking the amendment dropt the Bill; but at the end of the Session the Speaker gave me the enclosed Copy to transmit to Your Lordships; and I beg Your directions what to do when it is again sent up to the Council.

I beleive Your Lordships from what I said in a former letter will now expect a fuller Account than I have hitherto been able to give of our Court of Chancery; which has been the Subject of much Discourse, and occasion'd more uneasiness to Mr Hunter and Mr Burnet than all the other parts of their administration, very luckily for me I found no cause of consequence depending at my coming to this Government, nor has there been any Demand as yet made for opening the Court, so I have had no occasion hitherto to Act as Chancellor nor do I intend to do it 'till I have further Instructions and Directions from Your Lordships. I think the best way I can take to inform Your Lordships of this Affair, will be to state the different opinions of people here about it, which I have been at some pains to collect by conversation & otherways.

Most of the Council and some others, since the ordinance past for regulating abuses in the Practice and Fees of the Court of Chancery, are very well pleased with its constitution and Decrees, as appears by several Representations contained in their Minutes formerly transmitted or sent now; to which I beg leave to refer.

Another party disputes the legality of this or any other Court of Equity that is not Established by an Act of General Assembly, and they particularly insist upon the Governours being by law incapable of being Sole Judge in that Court. This was argued with great earnestness by some lawyers before Governour Burnet in a trial for a considerable Estate. I am promised a copy of their pleadings, and if it comes to my hand before I make up my packet, I will send it to Your Lordships that you may have the Arguments of both sides before you.

There is a third party not so violent as the last but yet desirous of some alteration, their Scheme is to have the Court of Chancery established in the Governour and Council; thinking the clamour against it would cease if the Governour was assisted by the Councellors, who are for the most part men of Estates and born in the Province. Since I found the people here so divided, and at the same time stubborn in their opinions, I hope Your Lordships will

approve of my not acting as Chancellor till I have Your Directions. But I assure you whenever you lay Your commands upon me they shall be obeyed without any regard to Parties here.

I received last summer His Majesties Disallowance of the Act for the easier partition of Lands held in common &c: which I ordered to be forthwith entered in the Minutes of Council and Journals of Assembly. Because an Act to this purpose is much wanted and earnestly desired in the Province, I flatter myself that Your Lordships objection was not to the Act in General but to some particular clauses or deficiencies in it. If I could be so happy as to know what alterations would make such a Bill acceptable, I would endeavour to get one prepared against the meeting of the next Assembly, not liable to the faults that were found with the former.

I fear I have been tedious, so shall trouble Your Lordships no more at present, but to beg leave to say that I am with great respect. My Lords,

Your Lordships most obedient
and most humble Servant
J. Montgomerie.

I beg pardon for making use of another's hand having sprained my wrist.

Recêd Fêbry 14th 172$\frac{8}{9}$
Read May 23th 1729.

Governor Montgomerie to the Duke of Newcastle.

[New-York (S. P. O.), VIII., 1.]

New York April 2. 1729.

My Lord

I take this opportunity of a ship going to Bristol to acquaint your Grace, that Major Symes Captain of one of the Companies here is dead. The Company being now at Albany I have ordered Lieutenant Nicols[1] to command it till His Majesties pleasure is known. I assure your Grace he is the subaltern officer here that deserves most to be preferred; and if I did not think it for His Majesties service; I would not beg your Grace to get the commission I have given him confirmed. There being no half pay officer here, I have appointed Paschal Nelson a gentleman of this Country to be Lieutenant in Nicols place; He is recommended to me by the most considerable people of this Province, and to my certain knowledge is very fit for the post. I shall trouble your Grace no further but to beg leave to say, that the getting the two Commissions confirmed by His Majesty will be of great use to me here, where for most part the people respect their Governours according to the interest they have at home; So your Grace's recommending those commissions to His Majesty, will be the greatest obligation to one who is with very much respect.

Your Grace's most obedient
and most humble servant
J. Montgomerie.

[1] Lieutenant Andrew Nicolls, of Captain Jno. Riggs' company, was appointed Captain of Fuzileers, by commission, dated 14th April, 1728. — Ed.

Governor Montgomerie to the Duke of Newcastle.

[New-York (S. P. O.), VIII., 2.]

New York April 15 1729.

My Lord

The last letter I had the honour to write to your Grace was of the 2d instant, and sent by a ship bound from this to Bristol in case of miscariage I presume now to send a duplicate of it, and shall trouble your Grace no further but to desire again with the greatest earnestness, that you will recommend Lieutenant Nicols to His Majesty for the Company vacant here by the death of Major Lancaster Symes, and Paschal Nelson to be Lieutenant in place of Nicols. I send your Grace inclosed a copy of my letter of this date to the Lords Commissioners of Trade, and I beg your Grace will get the Bills mentioned in it disallowed, for I assure you if it is not done, it will be impossible for me to cary on His Majesties service successfully in New Jersey. I am with the greatest respect,

Your Grace's most obedient
and most humble servant
J. MONTGOMERIE

Lords of Trade to Governor Montgomerie.

[New-York Entries, L., 129.]

To Coll: Montgomery Govr of New York.

Sir.

Since our letter to you of the 20th Novr last, we have received your's of the 30th of the same Month, with the several Acts and other publick papers, which you therein mention to be inclosed.

We have sent all the publick Acts, and the copy of a Bill for the frequent holding of Assemblies at New York, to Mr Fane, one of His Majesty's Council, for his opinion thereupon in point of Law, and so soon as we shall have received his Report thereon, We shall consider them, and lay such of them before His Majty as either require to be confirmed or repealed, and we shall likewise give you our thoughts concerning the said copy of a Bill.

You will receive inclosed, a copy of the Report which we made to His Majesty for repealing the Act for the easier partition of lands ettc. whereby you will observe what objections we had thereto, and although you might prevail with the Assembly to pass an Act not liable to the same; yet, considering the consequence of any Act of this nature, we would advise you not to give your assent thereto, unless there be a clause inserted therein for suspending the execution thereof, until his Majty's pleasure can be known.

We have considered what you wrote in relation to the difficulties you apprehended from the different opinions that are in New York, with respect to your holding a Court of Chancery there; Whereupon We must acquaint you, that you ought to hold Courts of Chancery, when

there shall be occasion, as former Governors have done. So we bid you heartily Farewell. and are Your very loving friends and humble servants.

WESTMORELAND
P. DOEMINIQUE
T PELHAM
EDW[d] ASHE
THO: FRANKLAND.

Whitehall.
May 28[th] 1729.

Governor Montgomerie to the Lords of Trade.

[New-York Bundle, Pd., 103.]

My Lords,

In my last letter to your Lord[pp] by Capt[n] Mansfield in the Elizabeth, of which I enclose a duplicate, I promised to send by the next conveyance a particular account of the circumstances of the province of New Jersey relating to paper money, but the accounts I have required from the Loan Officers not being yet all returned to me, I beg Your Lord[pps] will excuse my not doing it now, but you shall have it by the next ship that goes from this.

The Assembly of New York is sitting now, & I did not intend to have troubled your Lord[pps] about the affair of this province, till the session was ended, that I might be able to send you at once, a compleat account of their proceedings. But the behaviour of one of the Council here, has been so unaccountable, that I thought it my duty to take this first opportunity of laying that affair before Your Lordships.

I am so particularly reflected upon by M[r] Morris, that although the Council has done me all the Justice I can desire I can not be easy till I satisfie His Majesty by Your Lord[pps] that I have acted according to my instructions, the constant practice of former Governours, and for the good and advantage of the Province. I have enclosed the two papers read in Council by M[r] Morris, with the minutes of the Board relating to them, and that Your Lord[pps] may be fully informed; I beg You will allow me to state in as few words as I can, the circumstances of the Revenue, ever since it was settled by the Assembly after the Revolution.

In the year 1691, a Revenue was given for the support of Govern[t] and continued by several Acts of Assembly till 1709.

The Revenue being thus given the Govern[r] and Council established salaries on the necessary Officers of the Govern[t] to be paid out of that Revenue, particularly on the 15 of May 1691. they established a Salary of £130. a year on the Chief Justice.

Besides the Salary of the Governour and the Salaries established by him & the Council, all the incidental charges of the Govern[t] of what nature soever, except such as were particularly provided for by other Acts of Assembly, were charged upon the Revenue, by warrants drawn by the Governour in Council—

But whether it was for want for due information given to the Governour and Council, from time to time, of the State of the Revenue, or for any other reasons, I shall not presume to determine, but it is certain, that the warrants drawn on the Revenue exceeded its income so much, that at the expiration of it in 1709. it was loaded with so great a debt, that the Assembly

seemed determined not to give another Revenue, but with such appropriations, as should for the future, put it out of the power of the Governour and Council, to apply to any other uses, than such as they by their Act should appoint.

In this situation of affairs Major General Hunter came to this Govern^{t}, who took all imaginable pains to reduce the people to a cooler temper, but their persisted in their resolutions of giving no money but what they should appropriate in the Body of the Bill; this he would not give way to, and he himself and the Officers of the Govern^{t} were for several years without any regular support, and without hopes of being paid their arrears, till in the year 1714. the cries of the people, who had large and long standing demands of money for services done to the Govern^{t} moved the Assembly to consider their claims, and pay their demands, then the Governour and Officers of the Government were likewise paid in paper money issued on the Credit of the Excise appropriated to that use.

In the year 1715 after having called and tryed several Assemblies, Major Gen^{l} Hunter, prevailed with the Assembly then in being, to give a Revenue for five years, without appropriating the money in the Bill, but upon his assuring them (as I am credibly informed) that he would apply the money to those uses only, for which they intended it, and in the votes of the 21st of June 1715 the salaries of the respective Officers, and the incidents to be paid out of that Revenue are particularly mentioned, and the warrants afterwards drawn were drawn for those sums.

When this Revenue in 1715 was settled, many alterations were made of the Officers Salaries; particularly the Chief Justice who till then had but £130 a year from the first establishment of his salary in 1691. had a small salary of 300 pounds mentioned in those resolves of the 21st June 1715. The Secretary and Clerk of the Council who before had 30 pounds salary, and the incident charges of his Office paid him, had now only 60 pounds a year salary without any allowance for incidents. The second Judge of the supream Court and the Attorney General, who had before each of them a 100 pounds a year salary, had now nothing, nor any mention made of them in the votes of the Assembly; and yet notwithstanding those alterations, upon the best information I can get, and upon examination of the Minutes of Council, I can not find that any question was ever asked, or any proposal ever made in Council, for the appointment of these Salaries, or for the approbation of the alterations mentioned; on the contrary, I find the Warrants for the first Quarter's salary arising on the Revenue given in 1715. drawn conformable to the Assemblies Resolves, and signed by the Governour in Council the 15th of Sept^{r} 1715, in the customary manner without any previous question, and in like manner were all the Warrants afterwards drawn during the continuance of that Revenue.

In the year 1720. M^{r} Burnet being then Gov^{r} the Assembly gave a Revenue for five years, and mentioned in their votes of the 18th of Nov^{r} the Several Salaries and incidents intended to be paid by that Revenue; wherein they made two alterations of the former appointments of 1715. First, they gave but 200 pounds a year to the Commissioners of Indian Affairs in place of 300 mentioned in the votes of the 21st of June 1715. Secondly, they design a 100 pounds a year to the second Judge; and conform to these votes were the Warrants drawn quarterly signed in Council and issued in the usual manner by the Governour without his puting any previous question about them.—In the year 1726. the Assembly gave a Revenue for three years, still mentioning in their Votes, of the 12th of May the Salaries and services intended by them to be paid by that Revenue. Wherein again they make some more alterations, for instance: They design but 250 pounds a year to the Chief Justice instead of

300 before mentioned, they dropt the Second Judges Salary, of a 100 pounds, the Clerk of the Circuit Salary of 60 pounds a year, and one of the land and Tide waiters, with the Tunnage officer or Collector of the Duties on Negroes who was before provided for particularly in the Revenue Bill; and the salary of the Land and Tide waiter, they reduced from 40 to 30 pounds a year.

The Assembly have past the Revenue Bill last mentioned, and entered in their votes, the particular services intended to be paid by it; went a step further than at any time they had before done, which was to address Gov^{r} Burnet not to issue any higher, or other warrants on that three years Revenue, than for the services mentioned in their Resolves. This Address being presented, Govern^{r} Burnet told the Members, that it being of an extraordinary nature, he intended to lay it before the Council for their Advice; it is accordingly entered in the Minutes of Council of the 14th of October 1726, and then referred to a Committee of the Council, who on the 21st of that Month made their Report thereon, which is likewise entered in the Minutes of Council. Yet notwithstanding that Address and the Report of the Council thereupon Gov^{r} Burnet issued his Warrants the 24th of Nov^{r} 1726. for the salaries of those Officers, whom I have before particularly mentioned, in this manner: For the Chief Justice at the Rate of 300 pounds a year, for the Second Judge at 100 pounds a year for the Clerk of the circuits 60 pounds a year, for a Land and Tide Waiter 30 pounds a year, and the Tunnage Officer or Collector of the duties on Negroes he ilewise dropt, the Collection of those duties being by the last Revenue Bill, put into the hands of the Treasurer of the Colony; so that he neither complyed with the Assemblies Address, nor conformed to the Council's Report upon it, nor does it any where appear to me, that he asked the Council's opinion thereon, or had their advice or consent to the alterations he made, other than in the usual manner of having the Warrants read in Council before he signed them, when every member was at liberty to object against the signing them in the manner they were written: these draughts sowred the Assembly and made them look back on their former sufferings, from the mismanagement of the Revenue, whereby the Country was involved in the Debt I have before mentioned, and think of a remedy against the like evil before they gave any other Revenue.

Such was the disposition of the people when I arrived here, and I was not a little perplexed how to quiet their fears, reconcile them to their duty, and at the same time to preserve entire the power given me by His Majesty of applying and issuing the Revenue with advice of the Council. Yet at length I had the good fortune to surmount those difficulties, I gained the Assemblies confidence, without ever giving them any assurance that I would comply with the application of the Revenue mentioned in their Votes. They entered chearfully on the support of the Govern^{t} but in some particulars they lessened it from what it was before. The duty on Wine they reduced from 50 Shillings to 45 a pipe, Rum from three pence a Gallon to two pence half penny. the Land tax of 1200 pounds a year which they had given for three years before is now discontinued from the expiration of those three years. With these alterations they past a Revenue Bill for five years, entering as usual in their Journal of the 9th of August 1728. the uses they intended the money for, but as I have said without any promise from me complying with it. This five years Revenue was to commence the first of Sept^{r} last, and I drew on the last Revenue till the first of Sept^{r} as M^{r} Burnet had done.

But before I proceed to narrate the manner of my drawing on the present Revenue, I beg leave to mention some things that may give light to what I shall say on that head.

The method used by former Governours in drawing on the Revenue quarterly for their own and the Officers Salaries and appointments is thus: At the expiration of each quarter, the

Clerk of the Council prepares all the warrants, and the next Council day, or as soon as conveniently he can, he carries them into Council, acquaints the Board that he has prepared them, reads the first warrant, which commonly is the Governours, and then lays it before the Gov^{r} to be signed by him; that being done, he reads the second and so on till all be read and signed, then he makes this or the like entry in the Minutes of Council viz^{t}: "The following warrants were read and signed by His Excellency" and then mentions the warrants particularly.

This by the Council books will appear to be the standing practice, and not one Member now of the Council remembers any question being ever put whether the Gov^{r} shall sign such warrants, excepting in the case which I shall presently mention to your Lordships.

I was obliged to go to Jersey last winter just after the expiration of the first quarter of the present Revenue, and the Clerk of the Council was then so hurried with publick business, that must of necessity be done before I left this place, that he could not possibly prepare the Warrants, so that none were issued till after my return from thence; this gave me time to think what I had to do, and I had many things to consider before I made my first draughts on which the rest were to depend.

In the first place the State of the Revenue was to be lookt into, from whence an estimate was to be made of the expence it would bear; then the several officers salaries and incidents were to be duly weighed; and in the next place tho' not of the least moment, I was to proportion expence, so as to make the Revenue answer it accordingly, for on that in a great measure will the continuance of it hereafter depend. Besides I thought that a people who were willing as I found them here, to support the King's Govern^{t}, ought as little as possible to be loaded with debt, which in time, if an ill example be again introduced, may reduce them to great extreamities, and involve the Govern^{t} in insuperable difficulties.

To prevent my being mistaken in an affair of so great consequence, I carefully informed myself of the services of the respective Officers, and from thence proportioned the Rewards, which I thought they deserved. I found in general that they usual allowances were no more than what ought to be, but in particular instances, I was fully perswaded, that some appointments were too large, and others wholly unnecessary and that without some deductions the Revenue granted would not answer the support of the Govern^{t}.

The Chief Justices Salary which formerly was but 130 pounds a year, I found at once encreased to 300. this led me to enquire into the causes of so large an augmentation; the avowed reason given for it, is: that from thence forward he was to go the Circuits regularly every year, but as I am informed the true one was, that the Chief Justice being a Member of the Assembly in 1715. when the Revenue was given, his salary was augmented by the great number of Friends he had then in the House, and for the services he did there. For as to his going the Circuits, former Chief Justices on the salary of 130 pounds a year, have, as I am informed, gone into the Country when causes have been to be tryed there, and this as I am told, is as much as the present Chief Justice has usually done, especially of late years for a salary of 300 pounds a year. This the people of the province have often complained of since I arrived here, so I thought, that since the service for which the salary was said to be augmented has not been regularly attended, I might and ought to strike off fifty pounds a year from it, that the Revenue may answer the paying other Officers, who have but a bare allowance for their services.

The Second Judge is a Man wholly incapable of that Office, quite wore out by age and other infirmities, not in a condition to be trusted even with opening or adjourning the Court, so

that I have been obliged in the Time when the Measles raged lately in Town, at the request of the Chief Justice, who was unwilling to come to Town himself, to adjourn the Supream Court twice by writ. This is an Office that many Gent[n] of Estates would execute without any Salary, but M[r] Walters the present second Judge, being the first of His Majesties Council here, I am unwilling to displace him from the Bench, yet I can not think of loading the Revenue with a Salary to so useless an Officer.

The Clerk of the Circuits had a Salary of 60 pounds a year given him in 1715. when the Chief Justices Salary was augmented, in expectation that the Circuits would be duly attended, but that service having as I have said been neglected of late years, I have thought it convenient to drop his salary. By these savings I am hopeful that I shall be able to make the present Revenue answer the Expence of the Govern[t], but if I should overload it, I assure Your Lord[pps] that the inconveniencies that may ensue, will be difficult if not impossible for me or any person the King employs here to surmount.

Having thus given Your Lord[pps] the reasons for my intending to alter some of the salaries, I shall now proceed to inform you, what happened thereupon.

Being determined to reduce the Expenses of the Govern[t] as near as I could to the Revenue granted by the Assembly, I ordered the Clerk of the Council to prepare Warrants, and on the 10[th] of April last, the Warrants for two quarters ending first of March, were read and signed by me in Council in the usual manner, without any objection being made to any one of them by any Member of the Board.

On the 12[th] of June the Clerk having as usual prepared the warrants for the quarter due the first of that Month, he read first that for my own salary, and others for incidents which I signed; then the Chief Justices warrant proportioned to 250 pounds a year being read, M[r] Morris Jun[r] his son, objected to my signing it as it was prepared, and asked me the reason why that warrant was not calculated at the rate of 300 pounds a year; I told him I intended to regulate my drawings according to the present Revenue, but that since he had made an objection, I would ask the Council's advice. So I put the question to the Board, whether they would advise me to sign that warrant as it was read, and they advised me to sign it, which I accordingly did, as likewise all the Warrants for that quarter, without any further objections.

This upon the stricktest search and enquiry, I think is the first instance of the Council's advice being particularly asked about the Governour's signing Salary warrants; and their advice being thus given, I was in hopes I should have heard no more of it, but on the 13[th] of June, M[r] Morris having read in his place at the Board a paper Marked A. which I here enclosed to Your Lord[pps] the Council then present desiring M[r] Morris might withdraw, took that paper into consideration, and having duly weighed and considered it, came to the resolutions which Your Lord[pps] will see in the paper enclosed Marked B. This resolution had not the effect hoped for, in puting stop to M[r] Morris' invectives, for on the 26[th] of June, he read at the board another paper Marked C. whereupon the Council came to the Resolutions in the paper Marked D. and by the advice of the Council mentioned in the last paper, I suspended him from his seat at the Board till His Majesties pleasure be known.

I have already drawn this letter to so great a length, that if I should enter into the particulars of M[r] Morris's Libels, it would be trespassing too much on Your Lord[pp]'s patience; the reflections thrown on me, The Council and the whole Legislature are so conspicuous and so unjust, that I believe they will not escape His Majesties and Your Lord[pps] censor; so I hope

such marks of displeasure will be shown to the author of them, as will deterr others hereafter from committing the like insolencies.

I was resolved not to proceed to extremeties in Mr Morris's case, choosing rather to bear, than resent his personal reflections, but when I considered the station His Majesty has been pleased to place me in, and that the only way I have to recommend myself to the best of Kings is to endeavour all I can to make His subjects here easie and happy, that the authority of the Govern[t] would be rendered contemptable by my forbearance; that the Council resented the Affront in a high manner, that the whole Legislature was attacked, and in all appearance the Author of the papers designed to sow sedition in the Province. I could no longer forbear suspending him, and I hope Your Lord[pps] will recommend it to His Majesty to approve what I have done, and to appoint Phillip Courtland (an eminent Merchant in posession of a good estate in the prov[ce]) to be of His Maj[tys] Council in place of Lewis Morris Jun[r]. I am with great respect My Lords,

Your Lordships—ettc.

30 June 1729. (signed) J. Montgomerie

Mr. Lewis Morris, Jr., to the Lords of Trade.

[New-York Papers. Bundle Dd., 109.]

New York 19 July 1729.

My Lords.

Plantation Affairs being properly cognizable by Your Lord[pps] Board, I presume to lay before Your Lord[pps], a representation made sometime since by a Committee of the Council here, of which I was one of the Signers, to His Excell[cy] Mr Montgomerie the Gov[r] of this Province, with the Votes and Resolutions of the General Assembly of this province, which gave rise to it, and some others relating to the matters therein represented.

The intent of that paper, was to point out to His Excellency, some of the extravagant steps the Assembly of this province had taken, and of what dangerous consequence they would be of to His Majesties interest and prerogative here, if not timely discouraged; & we flattered ourselves, that the person entrusted by His Majesty with the Govern[t] of this province, would think it his duty to check as much as in him lay a growing evil, dangerous in it's tendency, both to the peace of this province, and His Maj[tys] interest in America. I wish I could say the successe had answered what we supposed we had reason to expect—Your Lord[pps] can be no strangers to the proceedings of our American Assemblies, and a recourse to your own Archives, will shew you in Mr Hunter's letters, the early attempts of this of New York, during the first years of his administration, to wrest the Scepter out of the hands of the Crown, and make all the Officers of the Govern[t] here, precariously dependant upon them, and the creatures of their Bounty. I use some of Mr Hunter's own words, in a pamphlet published by himself in the year 1713. and herewith sent your Lord[pps]

Tho' the Queen by her letters patent, had excluded the Assembly from having any share in issuing the publick money, yet in that time, they attempted in their Bills to ingross that wholy to themselves, and by their resolves, affirmed they had an inherent right to do so.

Your Lordpps Board at that time, were pleased to call this proceeding of the Assembly a violation of the Constitution of the Governt of this Province, and derogatory to Her Majtys Royal prerogative.

The Queen by Her letters Patent, had given Mr Hunter power with advice and consent of the Council, as his present Majty has given the like to Mr Montgomerie, by the like advice and consent, to erect such and so manny Courts of Judicature as they should think fitt, and accordingly Mr Hunter did erect or open a Court of Chancery.

The Assembly of that time Resolve, that the erecting of such a Court without their consent, was against Law, without president, and of dangerous consequence, to the liberty and property of the Subject.

On the contrary, Your Lordpps Board, by Your letter of the 12th of June 1712. tell the then Governr that his erecting a Court of Equity by advice of Council, was pursuant to the power granted him under the great Seal, and that the Resolve of the General Assembly was very presumptious and a diminution of Her Majtys Royal prerogative.

The present, and some late Assemblies, have consisted of some of the same leading Men, who in that Assembly made these Resolves, and the Majority of them under the same influence of the same faction, who never failed since the Revolution (whenever they had an opportunity put into their hands) of giving the Governt all the uneasiness they could and yet (which is a paradox) they pretend to be of Revolution principles.

The same things that were at that time disapproved of, they have acted over again, with more aggravating circumstances, and with much greater insolence, and what is worse, hitherto with success.

The Assembly at that time proposed, to appoint the Salaries of the several Officers, by a Bill, to which the Council, and Governour too, must have consented before it could be an Act; but this Assembly take upon them to do it by the votes and Resolves of their house, without the consent of either Governr or Council; abating some of the Salaries, and taking others wholly away; as the persons intituled to them, had by their Staunch adherence to the Governt, made themselves more or less lyable to their resentments, they falling on such for the most part as had formerly, and still continued to be very useful to the Governt; and indeed that was their only crime.

The pretence for these Resolutions (tho' idle) was, that this was done to make an estimate of the amount of the support of the Governt, in order to raise money for that purpose, by a Bill that was then under their consideration; which pretence, if true, shews they intended to support the Governt only according to their own scheme, and by raising no more money, compell the Governt to comply with their directions, or be without any support. But, after this Bill was passed into a law, and the money thereby to be raised, given unto His Majesty, and to be issued by warrants drawn in Council aggreable to His Majtys instructions, it plainly appeared, that they meant something more by these votes, than an estimate or calculation of what was to be raised (for it was ridiculous to print and publish a calculation if nothing more was meant by it) and that it was intended to let the people know, not, what should be raised (for that the Act would tell them that much better) but, what they thought only fit to be paid and to whom; and when the Govr, by the advice of his Council (notwithstanding their resolves) drew the warrants as had been usually done, they let him know, that their votes & Resolves (non obstante the Act) were intended by them to be directions to him and his Council too, which he and they ought to follow, that the salaries they had mentioned were

ample and sufficient, to which there ought to be no addition or alteration; and that no higher or other warrants should be issued in Council on account of the support of Govern^{t} than those particularly expressed in their former resolutions, if he intended to preserve a good understanding with them—For this I referr to their votes of the 7th of October 1726. sent herewith.

Notwithstanding the Clause in His Majesty's letters Pattent to his Gov^{r}, impowering him with advice of Council, to erect what Courts they Judged proper, was publick, and the Assembly, very well knew the opinion of Your Lord^{pps} board in the late Queen's time, that a resolve made by the then Assem^{ly} concerning the erecting a Court of Chancery, was very presumptious and a diminution of Her Maj^{tys} Royal prerogative; yet in defiance, both of the King's authority, and contempt of the opinion of Your Lord^{pps} Board, they have ventured to vote and Resolve, that the erecting or Exercising in this Colony a Court of Equity or Chancery, (however it may be termed) without consent in General Assembly, is unwarrantable and contrary to the Laws of Engl^{d} a manifest oppression and grievance to the Subjects, and of pernicious consequence to their liberties and properties.

The Assembly, under colour of the plenitude of their power, do yet go further, and say that They will at their next meeting prepare and pass an Act to declare and adjudge all orders, decrees and proceedings of the Court, so assumed to be erected and exercised as above (i. e. without their consent) to be illegal, null and void, as by law and of right they ought to be; and that they at the same time, will take into consideration, whether it be necessary to establish a Court of Equity or Chancery, in whom the Jurisdiction of it ought to be vested, and how far the powers of it shall be proscribed and limited.

If all this be not a flying in the face of the King's authority and a contradiction of his letters patent, I am at a loss to know what is, or will be so. But they do not stop here; for these votes, being suspected to be the contrivance of the Speaker, and a surprise upon the house, and not their true sentiments, some of the Members (after the dissolution of that Assembly) were in a moderate manner examined concerning them; And the present Assembly (who consist almost intirely of the same Members who made the Resolves above, and who have made like resolves, with respect to the Officers' Salaries) very much resented this examination; and to assert their authority, vote and resolve, that for any Act Matter or Thing done in general Assembly the members thereof are accountable and answerable to the House only and to no other person or persons whatsoever; and that the presuming to call them to an account, is a violation of their priviledges; that is they are accountable to no authority upon earth for what is done in their house. I submit it to Your Lord^{pps}, whether I have strained their meaning, and beg leave to refer Your Lord^{pps} to their votes of the 25th of November 1727 the 30th July and the 10th of August 1728 sent herewith.

I hope, I more than flatter myself, that Your Lord^{pps} very much disapprove of this behaviour in the Assembly, and think it is not consistent with the duty of any of his Maj$^{ty's}$ servants here, be they of what degree they will, to give any countenance and encouragement, to persist in such a behaviour, or give any room to surmise, that their conduct is approved of by their superiors.

It is with some concerne, that I think myself obliged to inform Your Lord^{pps}, that the countenance they have received from his Excell^{cy} M^{r} Montgomerie, has given them but too much reason to persist in the claiming and exercising of powers, directly contrary to the letter of his Majesty's patent and instruct^{ns} and seemingly inconsistent with their dependance on a

British Govern[t], and his Maj[ties] dominion over them; and which may possibly render it very difficult for himself or future Governours to restrain without the aid of a British Parliament.

He has been pleased, for what reasons I can not tell, unless it be in complement to the Assembly, hither[to] to drop the Court of Chancery; so that since his arrival in this province, there has been an intire delay and stagnation in that part of the Administration of the publick Justice. I do not remember that the Council have been at all consulted on this head, and I believe Your Lord[pp] will not find any vestige in the minutes of Council when they come home, of any such advice being given. For my part, it seems as clear to me as it doth to most others, that the only motive that has induced him to this conduct, was to ingratiate himself with the Assembly, and perhaps Your Lord[pp] may be of my opinion, when You are informed that he has drawn the Salary warrants for the Officers of the Govern[t], precisely according to their votes; where they have pretermitted the usual salary, there are no warrants drawn, so that those officers are wholly deprived of their salaries, without any reason assigned, or having done anything to deserve it, and where they have abated part, the remaining part is drawn for, just as the Assembly have voted; tho' in my Father's case (to seem not to give into them, and leave a pretence for him) the Gov[r] hath drawn a warrant, for the sum amounting to half a year's salary according to the votes of the Assembly, but calls it in part of a year's salary, tho' what part is not said, but left a doubt. The Assembly pretend to give no reason for the abatement in my father's case, but the poverty of the Country, as Your Lord[pp] will see by what he said to them on that matter, and their answer which is herewith sent.

I suppose the Governour, who was a stranger, and wholly unacquainted with the affairs of Govern[t] here, was made to believe, that unless the Assembly had some assurance, that his conduct, with regard to the Court of Chancery, and drawing the salary warrants, would be according to their votes, he would not obtain a support for the Government from them, tho' in this he was very much deceived, yet, I suppose, that induced him to make some promises, or use some expressions tantamount, not so easily to be receded from as made, and which by expressions said to drop from him, he soon repented of, but thought himself bound by.

His intentions, of complying with the votes of the Assembly, was so well known, and so certainly depended upon, that it elated the Assembly and so much disspirited the Council, that it was with difficulty (on the third essay) that he could get a Council of five together (the fewest he could Act with) when the warrants were to be issued; he might have had a sixth, but he dispensed with his attendance, because he knew he would oppose his measures, and I am pretty well assured, had the whole Council been present and the matter freely debated, he would not have had above three of them consenting to what was done; and when they came together, the warrants were brought in ready drawn and no questions proposed to them at all concerning them, but as soon as they were read by the Clerk, were signed by the Govern[r] without more a do.

I was not summoned to be at this Council, but I happened to be in Council on another day (tho' not summoned or knowing any warrants were to be signed) when the warrants were introduced in the same manner as formerly; this method I advised and protested against; and at another day, insisting on my protest for reasons I then and there gave, his Excell[cy], by advice of five Councellors (as is said) was pleased to suspend me from the Council Board, till his Majesties pleasure should be known; tho' one of the Gents of the Council then present, has since publicly declared, he never was consenting to that suspension, but did dissent, & desired his dissent might be entered in the Council books. My protest, and the reasons I gave for it, are herewith sent, and are humbly submitted to Your Lord[pp] Judgement.

His Excellency having reserved the reasons for my suspension, to be given to his Majesty, I must be a stranger to what they are; but what appears to be the reasons of the Hon^{ble} Council for advising of it, are, for delivering in a paper instead of a protest, many scandalous, false and unjust reflections upon the Governours conduct, and the Govern^{r} asked them whether for offences of so high a nature I ought not to be suspended? to which they consent.

What I charged the Gov^{r} with is the bringing into Council warrants ready drawn, different from what had been formerly agreed to, wherein the salary of one of the Officers of the Govern^{t} was abated, as voted by the Assembly, and the omitting to draw the warrants for the Salaries of other Officers, that had been usually drawn, without having first consulted and Advised with the Council whether such warrant should be drawn in the manner it was (that is) for the summe mentioned in the Assembly's votes or not, and whether the other warrants should be omitted or not; I was present and saw the warr^{ts} brought in in that manner, was well informed, that they were signed in the same manner before; and this also appears by the minutes of Council. This I thought to be a surprising of the Council into the thing, and not to be such an advice, as was meant and intended by his Majesty; whether the sence that I take the Clause of the King's patent to him be right or not is submitted.—

The scandalous, unjust and false reflections, against two of the members in particular, are, that they are not the best versed in the English tongue; how far it is scandalous, for a person not to be a perfect master of the English language I do not know. The two persons are, Rip van Dam, & Abraham van Horne; the last of which is very far from taking it amiss; they are two Ancient Dutch Gentlemen, one of about sixty, and the other nigh or above 70 years of age; and all our world knows, they never were perfect masters of the English tongue, nor never will be; and if they understood the common discourse, 'tis as much as they do. If this be a scandalous reflection as merits a removal from the Council Board, it must be, because no persons are fit to sit there, who are not such perfect Masters; if it be so, it may have perhaps consequences, not expected by any of the persons concerned in my suspension; but these two Gents, being very far from perfect, or common Masters of the English tongue, might not so well understand the contents of a paper read over in haste by the Clerk, and being asked no questions about it, it was the same thing with respect to them (if they did understand it) as if it had not been read at all.

The words, unwarrantable, Arbitrary and illegal, were what were most resented; I took the conduct to be such as I call it, and thought it my duty to say so, and for that reason to advise & protest against it; tho' to tell your Lord^{pps} the truth, I did believe then, and do still, that the Governour was misled into it, by some men of more art than honesty, in that case; but if those words puts me in the wrong, even with all the reasons I have given for them, I am humbly of opinion, that the words false, scandalous and unjust, made use of by his Excellency and Council, without any reasons given for them will not make them in the right; and at least may be allowed as full payment to ballance the account; and then I humbly submitt it to Your Lord^{pps} whether the case may not be considered stripped of those words on both sides.

Besides protesting against the drawing and signing warrants in the manner then done, I did also protest against the Govern^{r}'s sitting and voting in Council as a Councellor, in the making and passing of laws; my being suspended prevented my giving the reasons for that protest, they are sent herewith and humbly submitted to Your Lord^{pps} Judgements.

I am humbly of opinion, that the Governour's voting as a Councellor and sitting and acting among them as such, in the making and passing of Laws, has contributed more towards

depreciating the Council, and rendering that part of the Legislature almost insignificant, than any thing else and is one great cause (if not the only one) of the extravagant steps taken by the Assembly.

The strength of the Assembly, consists in their power of giving money, which they 'll do upon what terms they please, either expressed in the Bill itself or some other Bill, or Bills to be passed into Laws as a Quid p^r^ quo. Governours, who do not come here to take the air, but generally, either to repair a shattered fortune, or acquire an Estate, and being to receive the largest share of the money given, must be under the most strong temptations to accept the money offered (if there be but enough of it) even upon any termes; and voting with the Council, may by his own vote carry a Bill, that would not have been agreed to by the Council without him; besides, he sitting among them, has naturally such an influence, that his frown, or smile may induce the passing of an Act. which has no other reason to support it, and against ten thousand weighty reasons to the contrary, which dare not be offered for fear of disobliging; whereas the Council can be under none of these temptations, and would if left to themselves, not easily knowingly suffer the King's interest or prerogative to be bartered for a subsistance, which it is the duty of the Assembly to give.

The Assembly too well knowing, that as things are circumstanced, the Council must do what the Governour will have them, and that they have generally done so, have them in the greatest contempt, vote, resolve, and do what please, and finding their resolves complyed with, make and unmake Officers in their several Counties as they think fit, who generally change with the change of an Assembly-Man. Whereas the Council have hardly influence to recommend the meanest Officer, and are at present a part of the Legislature, as useless and insignificant, as any man can be well supposed to be; the whole management, lying between the Governour and Assembly; with whom he must comply, or perhaps be hard put to it for a subsistance, whether this be for His Majesties interest or that of the Country I submitt.

I have thought that the negative voice given him by His Majesty was but one voice, and that was the power of assent or dissent to any Law after it was passed by the Councill and Assembly (without him) and not two voices, one in the Council as a Counsellor, and then another as a Governour.

I know it will be said he never doth vote, nor Governours never do, unless it come to a casting vote; and for ought I know it may be true; but a casting vote is a vote, and in all the minutes he is named as present in Council and assisting at it; and as he may vote if he pleases, and some Governours have done it, so by his acting as a Councillour, I take it to be implyed from thence, that his vote is given, and every Bill that has passed the Council, might have been carried by his casting voice, for any thing that can appear to the contrary.

My Lords, I have neither given myself or Your Lord^pps^ this trouble, with any desire that His Excell^cy^ should fall under any censure prejudicial to him, in case he should be thought to be in the wrong, he seems to be a Gent. of perfect good nature, and if anything is amiss in his conduct, I take it altogether to be mistake, and not design; and Your Lord^pps^ directions to him, will oblige him to alter his measures; nor with any desire to be restored to my place in Council; for, unless I can have a freedom and liberty of debate and vote, according to my own reason and sence of things, and my opinion be not the effect of a Governours frown or nod, I can be of no use to His Majesty, my Country or myself; such voting by the directions of a Governours brow, whether the appearances be formed from his own sentiments, or

those of his Directors, being a species of slavery the most intolerable; but in whatever station I am in, I shall endevour, to approve myself a good subject to His Majesty and have the honour to be—My Lords

Your Lord^{pps} most obedient
humble servant

19th July 1729. (signed) Lewis Morris Jun^{r}

Governor Montgomerie to Under-Secretary De La Faye.

[New-York (S. P. O.), VIII., 86.]

New York August 2^{d} 1729.

Sir,

I shall not trouble My Lord Duke at present, but beg leave to send enclosed to you, copies of the papers which I sent His Grace on the 30th of June, by Captain Tennalt bound from this to Bristol. I refer you to them, and shall say nothing more of the subject matter in dispute, betwixt M^{r} Morris, the Council and me, but that I shall be very glad it be laid before His Majesty, when I believe it will plainly appear, that I have acted as the Council here declares, according to my Instructions, and according to precedents, that I could have no private view of making one shilling by the savings but was endevouring to reduce the expences of the government to answer the revenue granted by the Province, that thereby I might prevent the inconveniencies that made some of my predecessors here very uneasy, and provok'd some of His Majesties best subjects so far, that at my arrival, the only argument used against setling the revenue for five years, was, that perhaps part of it would be squandered away to support useless officers. I have explained this so fully in my letter to the Lords of Trade, that I shall trouble you no more about it only I beg you will put His Grace in mind of me, to get what the Council and I have done, in relation to Lewis Morris approved of and that Phelip Courtland may be appointed of His Majesties Council in his place. I send also inclosed, a copy of my letter of this date to the Lords of Trade, relating to the paper money of New Jersey which I beg you will communicate to His Grace; I have stated that affair to their Lordships in as full a light as I can, I am sure in a much better than I was capable to do, when M^{r} Popple, you and I talk'd of it at your house in the Cock pit. After perusing my letter, I hope you will speak to some of the Lords of Trade: I flatter myself that I have represented some things to them, in a clearer light than they were before, and I advance nothing but what is proved, by the words, and tenor of the Act. I shall conclude what I have to say on this subject by assuring you, that if there Lordships insist on their instruction to me, of sinking the interest money, or detaining it in the Treasurers hands, till the paper credit expires the Government of New Jersey, will in all probability, remain unsupported from September 1730, when the present revenue ends, to the year 1736. I beg pardon for all this trouble I give you but you allowed me to apply to you, and put you in mind of any thing that concerned me; I have a very grateful sense of this, and the many other obligations I owe you, and I am with much sincerity and respect,

Sir,

Your most obedient and
most humble servant

M^{r} De la faye J. Montgomerie

Governor Montgomerie to the Lords of Trade.

[New-York (S. P. O.), VIII., 37.]

A Copy

New York August 2. 1729.

My Lords

My last letter to your Lordships was of the 30th of June, sent by Captain Tannalt in the Don Carlos bound for Bristol, of which I now enclose a duplicate, and Copies of the Papers referr'd to in it. I told your Lordships then that the Assembly of New York was sitting, they proceeded from the beginning of the Session to the end of it, with great Calmness and moderation, and were adjourned last month. As soon as I can get the Acts transcribed, I shall send them to your Lordships with the Votes of the Assembly, and Minutes of Council.

What I am now to trouble your Lordships with is in answer to your letter of November the 20th 1728. Wherein your Lordships desire me to move the Assembly of New Jersey, to pass an Act for repealing the last Clause of the *Act for appropriating a part of the Interest Money paid into the Treasury by virtue of a Law of this Province, and for subjecting the residue to future appropriations.* Assuring me at the same time that if they do not think proper immediately to comply therewith, your Lordships will lay the Act before His Majesty for his disallowance.

I will obey your Lordships commands in all cases, whatever be the consequence: but by what I am going to say, I flatter myself, that I shall set this Affair in a clearer light, than it has hitherto appeared to Your Lordships.

I am a stranger to the reasons which Governour Burnet gave your Lordships for giving his Assent to the Act now in question, but by your letter to me, I find that he sent over certificates, to prove that the Paper Bills have risen in value since the passing of the Act appropriating &c notwithstanding this evidence your Lordships say that you can by no means agree with him, that the Interest arising from thence, having been detained in order to answer any deficiency which might have happened, has given no credit to these Bills, with great submission to your Lordships, I am of Governour Burnets opinion and shall as well as I can give the reasons for my being so.

Without that further security of applying the Interest to sinking of the Bills, there is good security of their sinking in the time for which they are (by the 15th page paragraph the 3d of the printed Act) enacted to be current, and much better security, than any of the Bills of Credit of the neighbouring Provinces; and I think absolute security, if by any accident some should remain unsunk at the end of the time, that such deficiency will be immediatly made good by other means provided by the Act.

For when all the possible accidents by which deficiencies can arise are considered, it will be found that the Act has provided other sufficient means to make them good, and that those other means must be used to make them good, were even the interest money cancelled as it came in. I beg leave here to enumerate some accidents that may possibly happen.

1st If by any accident of a bad Title, the principal and interest cannot be raised by sale of the Estate, the Act (in page 20) makes sufficient provision for it *by causing the deficiency to be levied forthwith yearly off the County where the deficiency happens:* so that there can be no deficiency that way at the end of the Twelve years.

I beg leave here to observe that this is a further security than the Bills of any of the neighbouring Colonies, or I believe any in America have: for in case the fund for sinking their

Bills don't answer, that deficiency of their funds is left to be supplyed by future provisions, and whether their Assemblies will ever make such provisions, is what the receivers of their Bills cannot be certain of.

2^{dly} If by another Accident any of the Commissioners of the Loan Offices should break with any of this money in their hands, not only (by the 7th page of the Act) *their securities are liable to make it good*, but (by the 20th page of the Act) *the County must immediately levy it.* Or if any other accident can be thought of, by which it appears to the Cancellors of the Bills, that less Money is cancelled than ought to be, at the time of the yearly cancelling of the Bills the abovementioned page 20th provides, that *it be immediately levied of the County.* So that this security above leaves little room for any further provision by bringing the Interest in aid or by any other way: for that above, is in all probability sufficient to answer most accidents that can happen; And tho the one half of the bills are near sunk already, yet hitherto (by the best information I have had) there has been no need of applying that provision, because the security of the borrowers has alone fully answered; and as it has answered so long, it is still growing better and better every year, by paying off part of the principal Debt, and the same thing standing security for the remainder, for which it must necessarily be a better security than it was for the sum borrowed. To be certain of the Truth of this, that the security of the Borrowers has hitherto alone answered, I have ordered the Commissioners of the Loan Offices to transmit to the Treasurers for me, copies of the minutes of their proceedings, or certificates concerning that fact.

3^{dly} There are other accidents such as mistakes, or frauds of the Cancellors, in counting the sums yearly cancelled, and certifieing them to be greater than they really were, and by cancelling counterfeits in place of true Bills; by which accidents, some Bills might at last remain without a fund for sinking them; were there no provision in that case. But all the Bills of the neighbouring Provinces, are liable to those accidents, as much as New Jersey, and that without the least provision or check against them, other than that of an Oath; which check is not only here, but also another which none of the other Provinces have, and that is (in page 19th paragraph 2^{d}) *that the Tops and bottoms of the Bills cancelled shall be bundled up, sealed and delivered yearly to the Treasurers to keep &c.* By which if any deficiency has happened by miscounting or counterfeits, it may easily be discovered; which is not only a Spur to the Cancellors to be careful of avoiding any accidents but will also make a discovery of such accidents, and of consequence render either the Commissioners or the Counties in which they have happened, liable to made good the deficiencies.

I think it not improper to mention here, that when some persons brought lately over from Ireland, counterfeits of the Bills of several Colonies, New Jersey at the first meeting of their Assembly thereafter, in the winter before last, made an Act by which all their Bills were new struck, in a different and more convenient form than formerly, whereby the passing the Counterfeits of their former Bills was effectually prevented. This ready provision (by the best information I can have) is more than any of their neighbouring Provinces have hitherto made, tho their bills were counterfeited at the same time, and plain discoveries made that they were so. This with the great care of the Legislature of New Jersey, in providing against frauds and Accidents in making and exchanging the Bills, as by the Act for that purpose is very evident. Together with their exceeding care (even to superogation) of the frauds on which their Bills were first struck, as by the Act itself plainly appears: and their going yet farther (in page 23^{d} paragraph 2^{d}) *of not only paying off their former Bills, but also*

Interest at Eight ℔ cent ℔ annum from the time their currency had ceased, tho the Assembly had voted the Treasurer in Debt, near as much money as should have sunk those Bills, but for that they took their course at Common Law, and sunk them themselves. I say this carefull and honourable proceeding of the Legislature of New Jersey about their Bills hitherto, added to the undoubted security for the Bills that were to pass hereafter, has given them so good a character, that as *their is no need of the interest money to make them effectually sink, so the detaining it, has not added nor cannot add any thing to the security or credit of them.*

I have said that *there is no need of the aid of the interest money to sink the bills*, in the time for which they are to be current by the Act, because all the accidents which I can think of that can possibly happen, whereby deficiencies may arise, are those I have enumerated, Videlicet, by bad Titles, by the breaking of the Commissioners, by mistakes or frauds in counting of the bills cancelled, and by cancelling counterfeits in place of true Bills; and for all the deficiencies by those accidents, other means are prescribed for supplying them; so that I think *a case can scarcely be put to shew with any great probability, that there can be any need, or use for any aid of the Interest money, to sink the bills in the time prescribed for sinking them.*

What your Lordships most particularly insist upon is, that (by the first paragraph of the Act page 25) *the interest money is expressly applyed to the sinking of the Bills, and it is directed to be sunk in presence of the Governour Council and General Assembly*, as to which, If this had been complyed with hitherto, and should be complyed with hereafter, then all the bills would have been sunk in Ten years, and there would have been 925 pounds over and above the sinking all of them: But (by the 3^{d} paragraph of the 15th page) its expressly enacted, *that the Bills should be current and received for twelve years, and in the Treasury for six months after.* which would be impossible if all should sink in Ten years, so that these two parts of the Act are repugnant, and impossible both to be comply'd with. should that part be comply'd with which sinks the bills in Ten years, I am affraid the people would say that they were deceived, and debarred of their expectations of having bills of their own to make tenders of for twelve years, as well as their neighbouring Provinces whose bills are to be long current, and the Borrowers would be put to the utmost difficulties, to pay in their two last years Quotas. For their own bills would be then sunk, there's no probability of more silver and gold in the province at that time, than when the act was made: and the bills of the neighbouring provinces (which would then be most if not all of their currency) might be refused in payment, the only remedy then left to them would be their paying in Wheat, which they are allowed to do by a clause in the Act, at five pence a Bushell less than the Market price at New York or Philadelphia, which are the two principal Markets for the produce of New Jersey, even this way they will be loosers of at least ten p^{r} cent. So these and other debtors would probably be brought to extremeties, no less than those the people were in at the making of the Act. And to reduce a Province to these circumstances may have very bad consequences. By the best information I can get, (and I assure your Lordships I have endeavoured to have it from all quarters) the security by sinking the Interest money, was (as the Assembly insists) a supererogation, insisted on by Governour Burnet, he being of opinion that it would better establish the credit of the Bills, and comply'd with by the Assembly rather than they should lose the Act. Which, when he demanded a support in the year 1725, they in their turn obliged him to break thorough, or not be supported at all; and served him in the same manner by the Act now in question.

But further, that clause in the 25th page put in by Governour Burnet against the good liking of the Assembly, and on which Your Lordships insist, is conceived in such words, that it's

impossible to be comply'd with or put in execution without the presence and consent of the Assembly, which form was probably obtained by them, on purpose to render the clause ineffectual: for they have ever since the making the Act, denied their presence for that purpose, and insisted upon the application of the Interest money otherwise: wherefore, if it had not been, nor shall not be hereafter otherwise applyed, It must for want of their presence and consent have lyen and lye dead and useless in the Treasurer's hands, exposing them to Housbreakers to get it away, of which sort of people there's many in these provinces, occasioned by the Transportation of Felons from Great Britain to the Plantations: of late they have committed numerous Burglaries, which is the occasion of so many expedients, as may be seen in the late Act for exchanging the money of New Jersey, for preventing any damage that might arise by housbreaking to the Treasurers of the Province; of which David Lyell one of the Commissioners of the County of Monmouth had felt the bad effects, to his considerable loss of the money of that County, without being ever able to discover the Felons who did it, tho the utmost care was taken to find them out.

In your Lordship's letter it is further observed, *that should the Act in question remain unrepeal'd till the Act for raising paper money expires, and any deficiency should happen, a Tax must then inevitably be laid on that County, where the deficiency happens to make good the same.* Its very true, But no more true of that last year than of any of the proceeding years. For if any deficiency happens in any of the years of sinking so much as at that time ought to be sunk, *a Tax must inevitably and immediatly be laid for it* (by the 20th page of the Act) that is the first method prescribed for making good deficiencies, and that method must by the tenor of the Act be used, and (as before I have shown) that with the other methods, can not in humane probability fail of making good all deficiencies, so that there's no room, neither is there any method prescribed by the Act, for making them good out of the interest money. And if even the interest money had been, and were to be cancelled (according to the 25th page of the Act) yet a Tax must be laid by the Tenor of the Act, not only the last, but all the years in which any deficiency happens, to make it up so that *the cancelling or not cancelling of the Interest money, the applying or not applying it to other uses, does no away affect or cause the laying or not laying such Tax.*

Your Lordships also observe that *If the interest money be not apply'd before the Act which creates the paper money expires it will then be so much clear gain to the Province.* It certainly will be so if the Treasurers be not robbed of it before that time, or some other accident happens not to it. And which clear gain, with the addition of about 2000 pounds, saved by lessening the Commissioners Salaries to one half, by an Act passed in the year 1727, would in all amount to above 7000 pounds. And (by the tenor of the Act in the 2d paragraph of the 25th page) *is to be applyed to the support of the Government as the Governnour, Council and General Assembly shall direct.* By means whereof the province would be freed from any Taxes for support of Government while that lasted, which would be for a considerable number of years, seing 970 pounds pays the ordinary yearly expences of the Government. This indeed would be a great ease to those who shall inhabit the province from the year 1736 to the year 1743. but some think, not without reason, that the consequence of such ease would be, That the people being so long disused to the payment of Taxes, they might be loath afterwards to come again into the use of it. And the not applying the Interest money as it is wanted, they think to be laying up money for supporting the Government from seven to fourteen years hence; when the same money is more wanted to support it at present, than probably it can be then. And that it is doubly taxing themselves now, to save some of them, and more of other people, from

seven to fourteen years hence from any taxes at all; who must then be reasonably supposed, better able to bear a tax than the inhabitants now can, because the province yearly encreases vastly in people and improvements, so in consequence in ability to bear a tax. And they think it more just and reasonable that they should then pay for supporting the Government, than that the less able people should be obliged to support it now, and then too.

Your Lordships *mention the laying a tax for deficiencies on the counties where they happen as a hardship.* As to that there's little room now to suspect that it will be any great hardship, seeing the securities have hitherto proved so good and are still growing better, but should it prove a hardship, yet it will be no surprize upon the people, for it was a thing deliberatly agreed to by the generality of them: The Assembly while the Act was under their consideration, having been adjourned a fortnight, in order that the representatives might consult their constituents upon that point, and upon the 1000 pounds a year Land Tax, and the Assembly did not assent to that security, till after that consultation, and the General Agreement of the people. By sundry clauses in the Act, the counties have in consideration of these taxes what was deemed an Equivalent: Such as the approving the Securities of the Commissioners, the chusing of new ones, several Penalties and Forfeitures, and assignments of Securities &c. and whatever hardship the taxes may be, if ever there is occasion for exacting them, I assure your Lordships that the people will look upon the detaining the interest money unapplyed, as a much greater hardship.

From what I have said I hope it will appear to your Lordships.

1st That because all accidents by which deficiencies can arise, are sufficiently provided for otherwise by the Act, the detaining the Interest money in order to answer any deficiency, has given no credit, nor can it hereafter add anything to the credit and security of the bills, for more than absolute security can not be desired, and that they have without the aid of the Interest money.

2dly That the clause which enacts the sinking of the Interest Money, is repugnant to another clause, which enacts the bills to be current for twelve years and both cannot be complyed with: and should that be comply'd with which enacts the sinking of the interest money, the people will be apt to think that they are deceived, and reduced to great difficulties and extremeties without any necessity for it.

3dly That the clause which enacts the sinking the Interest Money, is conceived in such words that it cannot be put in execution without the presence of the Assembly at the sinking them, which they deny, and I believe will persist in it, therefore if the Interest Money is not otherwise apply'd, it must remain useless in the Treasurers hands till the Act expires, exposing them to Robbery, and the province to the danger of losing that money.

4thly That the applying or not applying the Interest money to other Uses, does no way affect or cause the laying or not laying, of a Tax for deficiencies: for were the interest money all cancelled, as the sinking clause directs, there would still be no less nor more Taxes for deficiencies, by the tenor of the Act.

5thly That the not applying the Interest money till the Act which creates the paper money expires, to make a clear gain then to the Province will be of no service, but rather of ill consequence to the Government, and will be greatly prejudicial to the people from whom that interest money arises.

6thly That there is little room to suspect any hardships to the people for taxes for deficiencies, but should such taxes be frequent, it would be no surprize upon them, they having

been consulted on that point, and generally agreed to it before it was enacted, and whatever hardship the tax may be, they will look upon detaining the interest money as a greater hardship.

Upon the whole, I do humbly conceive, that unless some Accidents can be imagined, that may create deficiencies, which are not sufficiently provided for by the Act, there is no reason for detaining the interest money without application, but at the same time I beg leave to suggest, that if any such accidents can with probability be imagined, then such a part of the Interest money, as is fully adequate to the supplying the deficiency that may arise by such Accident, ought to be preserved for that purpose; and I assure your Lordships that if you allow me (as I hope you will) to dispose of the Interest money for the incidental charges of the Government, I shall always take care, that so much of it be reserved in the Treasurer's hands, as will answer any deficiencies not provided for by the Act.

I shall conclude what I have to say on this subject by humbly representing to your Lordships, that if you insist on the Instruction to me of sinking the Interest money, or detaining it in the Treasurer's hands, till the paper credit ends, the Government of New Jersey will in all probability remain unsupported, from September 1730 when the present revenue expires, to September 1736. And with great deference I leave it to your Lordships serious consideration if this is not risquing too much.

I beg pardon for troubling your Lordships with so long a letter, but since the supporting of His Majesty's Government, and the peace and quiet of the Province of New Jersey, depends upon the things I have represented, I hope your Lordships will excuse me, I assure you I have stated every thing fairly and impartially, without any regard to my own Interest, If I have not done it so distinctly as your Lordships might expect. I hope you will not impute it to any willfull error, or to my negligence, but to the short experience I have had of affairs of this kind, to which, till His Majesty honoured me with the Government here, I very little applyed myself.

I shall with great impatience wait for your Lordships answer, and must delay meeting the Assembly of New Jersey till I have it. I wish this delay may not have bad consequences, but as I told you in the beginning of my letter, whatever your Lordships commands are they shall be punctually obeyed by me, who am with the greatest respect,

My Lords

Your Lordships most obedient
and most humble servant

To the Lords Commissioners for Trade &c. J. MONTGOMERIE

Governor Montgomerie to the Lords of Trade.

[New-York Bundle, Dd., 92.]

My Lords.

I take this occasion of sending your Lord^{pps} a duplicate of my last letter of the 2nd of this Month, which went by Capt^{n} Sarly in the Hope; I told your Lord^{pps} then, that the Assembly of New York, had finished their business, and were adjourned on the 12 of July to the first

Tuesday in October. I shall now give your Lord^{pps} a particular account of the Acts that were passed that session:

N° 1. An Act to revive an Act to prevent desertion from His Majesties forces in the Province of New York. This Act not only revives the late Act, but likewise makes some further provisions to secure the Soldiers against arrests, they did this at my request, and the legislature have copied from the Act of Parliament as near as they could.

N° 2. An Act for the further continuing the currency of Bills of Credit, struck and issued in the year 1720. to the value of 5000 ounces of plate, until the first day of July 1730. This being an Act of the like nature with several others, passed and transmitted to your Lord^{pps} to continue the currency of those Bills from time to time from the year 1726: I shall not give your Lord^{pps} the trouble of any observations upon it.

N° 3. Being an Act to continue the present Act passed in Sept^{r} last, to let to Farm the Excise, needs no observation. —

N° 4. Is an act to continue an Act to impower the Justices of the peace of the County of Albany living in the Township of Schenectady, to regulate the Streets and Highways, and to prevent accidents by fire in the said Town. This Act wants no explanation, the Act which it continues being already lodged with Your Lord^{pps}.

N° 5. An Act for the further continuing An Act, intituled An Act for the further laying out regulating, and better clearing publick highways, in the County of Suffolk. This Act needs no explanation, the Act that it continues being before Your Lord^{pps}.

N° 6 and N° 7. Are an Act for the better clearing regulating and further laying out publick high Roads in the County of Ulster. And an Act for the better clearing regulating and further laying out publick High Roads in the City and County of Albany. Both these Acts carry their own reasons with them.

N° 8. Is an Act to ascertain the allowance to the representatives for the County of Suffolk and for other purposes therein mentioned.

Every County of the Province, is by some Act or Other obliged to pay their representatives but some of them agree before hand to serve for nothing, others make bargains at a rate under what they suppose they are authorized to demand. Others again make higher demands, than the supervisors of the County think they are entitled to, some demanding ten shillings and getting it, others contenting themselves with six shillings because they can get no more. In this County of Suffolk, some disputes having lately arose about their Assembly Man's wages, upon the construction of the several Acts, this was obtained to put an end to that dispute, and to prevent others for the future; as to the other Clauses of the Act, there is nothing of moment in them.

N° 9. Is an Act for naturalizing John Frederick Gunter and others. This single observation will be sufficient to shew the reasonableness of it. That Foreigners of Industry and substance are by such Acts encouraged to come and settle here, where they will find room and business enough.

N° 10. An Act for the effectual recovery of the arrears of the several Taxes, and of the excise therein mentioned; and for securing the duties on Slaves not imported into the City of New York, and for Impowering the Treasurer for those purposes. The first part of the Act explains itself, that relating to Slaves, took its rise from the importation of several Negroes from the neighbouring Colonies into the remote Counties and most obscurest places of this Province, without entering them or paying the duties, but with an absolute intent to defraud the Govern^{t}.

N° 11. An Act for continuing and enforcing the Acts therein mentioned for discharging the present demands on the tradeing house at Oswego ettc.

This Act in great part is of the same nature with that passed last year, and is altogether intended for the maintenance of the garrison at Oswego, which strengthens our interest with the Six Nations of Indians, and encourages & protects our Furr Trade. It goes further and provides against the abuses heretofore committed by the Traders, and complained of by the Indians. I have given the Officer whom I have now sent to command there, sufficient authority and express orders, to prevent the like abuses in time coming, and to protect and encourage the Indians and their Trade, to redress injuries among the Traders, and to do justice equally among them all.

The expence for the maintenance of the Garrison is by this Act reduced to a pretty good certainty by contracting with an Able person for supplying it, so that I am in hopes that the Men will be better provided for hereafter, than they have been hitherto, when the management of that affair was in many hands. By this prudent provision, if the Arts of designing Men do not find ways to illude the intentions of the Act, the Furr trade in all probability will be vastly increased, by the encouragement the remote Nations of Indians, will have to bring their Furrs to Oswego, when they shall be informed of the protection that the Government has given them against the wonted abuses of the Handlers or Traders, who formerly wrested their Furrs from them, and then obliged the poor Indians to take what they were pleased to give them. The ways and means for supporting the Garrison, is by this Act somewhat changed from what it was before, upon a due consideration of the matter, the Assembly judging it still reasonable, that the people who reaped the benefit of that Garrison should support it, they have again laid the expence upon the Trade of that place; but now they have put it into such a method of management as in all probability will answer the end effectually, without burthening the Trade too much, or giving room for the Traders to defraud the publick of the Duties.

N° 12. An Act for raising and levying the sum of seven hundred and thirty pounds for the uses therein mentioned ettc.

This Act is framed in the like manner as the last clause of the proceeding one, half the sum to be raised by it, is laid upon the Town of New York, because that place is supposed to reap the greatest benefit of the Act of Parliament thereby intended to be obtained, but in reality the whole sum designed by them for the obtaining that Act is laid upon the Town, besides a proportion for the other services mentioned in it. With this Act goes a memorial to the Treasury for an Act of Parliament allowing the importation of foreign Salt for our Fishery.

N° 13. An Act for Lisenceing Hawkers & Pedlers within this Colony. Those being a people without a settled habitation, and thereby exempted from Taxes, duties and services, that settled Traders are subject to, the Legislature thought that they ought to pay something towards the support of the Government.

I have troubled Your Lord^{pps} of late with so many long letters, that I shall not trespass more upon your patience now, but to beg leave to say that I am with the greatest respect

My Lords

29th Aug: 1729. Your Lordships Most obedient
and most humble servant.
(signed) J Montgomerie.

To the Lords Commissioners for Trade and Plantations.

Governor Montgomerie to the Lords of Trade.

[New-York Papers, Dd., 125.]

My Lords,

Since my last to Your Lord^{pps} of the 29th August, sent by Capt^{n} Downing in the Alexander, of which I enclose a duplicate, I have the honour of Your Lord^{pps} letter of the 28th of May, with a copy of your Representation upon an Act passed at New York in the year 1726. relating to the easier partition of lands held in common ettc. I shall do what your Lord^{pps} directs, when such an act is again presented to me for my assent, and shall punctually obey your Commands in holding Court of Chancery here, when there shall be occasion, as former Governours have done. I submit what I have represented in my former letters, to Your Lord^{pps} consideration, and I am with the greatest respect My Lords

Your Lord^{pps} most humble and most obedient servant.

20th Oct^{r} 1729. (signed) J Montgomerie.

Trade between Great Britain and New-York from 1723 *to* 1728.

[New-York (B. T.), XXI., Dd., 100.]

An Account of the Annual Amount of the Imports and Exports from and to New York, from Christmas 1723 to Christmas 1728.

The several Years.				Imports.			Exports		
				£	s	d	£	s	d
From Christmas	1723	To Christmas	1724	21.191	2	3	63.020	..	9
	1724		1725	25.316	18	9	70.650	8	..
	1725		1726	38.307	17	10	84.850	18	..
	1726		1727	31.617	8	1	67.373	5	3
	1727.		1728	21.005	12	11	78.561	6	4

Custom House [London]
Inspect^{r} Gen^{ls} Office
17 Nov^{r} 1729.

John Oxenford A. I. Gen^{l}

Lords of Trade to the Lords of the Privy Council.

[New-York Entries, B. L., 135.]

To the Right Hon^{ble} the Lords of the Committee of His Maj$^{ty's}$ most Hon^{ble} privy Council.

My Lords,

Pursuant to Your Lord^{pps} orders of the 12th inst: We have considered the several Acts now lying in Our Office, and not yet reported upon to His Maj^{ty}, which have any relation to the prohibition of selling goods proper for the Indian Trade to the subjects of the French King at Canada. There are several of them, and some very voluminous, which we have examined

as carefuly as the time allowed by Your Lord^{pps} for that purpose, would permit, and indeed we should have before now reported our opinion upon these Acts to his Majesty, had any complaint been offered against them to us, or any decision been hitherto made in Council at the request of the Merchants on the design of the said Acts, whereon we have fully reported our sentiments to their Excell^{cys} the Lords Justices in our Report of the 16th of June 1725. to which we beg leave to refer your Lord^{ps}

It was then our opinion that the several Acts, which had been passed before that time, to inforce this prohibition, were lyable to great objections, not arising from the design of the said Laws, but from the method prescribed for putting them in Execution, yet on the other hand, we had all imaginable reason to believe that such a prohibition of Commerce, under proper restrictions, was not only perfectly agreable, to the general tenour of His Maj$^{ty's}$ instructions to his Gov^{r} of New York, but might likewise prove very advantagious to the British Interest in America; and therefore, although we did propose that His Maj$^{ty's}$ Gov^{r} should be instructed to repeal the said Acts, it was our humble opinion that the same should be done by a new Act of the Assembly of that Province, whereby proper encouragement might be at the same time given, to the new channel of Trade, and the above mentioned objections to which those acts were lyable, avoided.

The objections to the aforementioned Acts were, that they imposed Oaths on all Traders, whereby they were obliged to accuse themselves, or else to be under the greatest temptation of perjury.

That every person refusing to take the said oaths when tendered, tho' not accused, was judged convict of having traded illegally, subjected to the payment of £100 and to be committed to the common goal for non payment.

That the execution of the said Laws might sometimes fall to the share of a Serjeant, Corporal or common Soldier.

All the Acts which have been passed since that time, relating to this matter, as they do for a most part revive and refer to the several penalties and forfeitures enacted by the aforementioned Laws, are in great measure lyable to the same objections with those Laws, and likewise to several others, such as the entrusting too great powers in the hands of the Commiss^{rs} appointed to put those Acts in execution, as also in the Farmers of this Revenue, who have authority to search at all times and in all places, by day or by night, for certain species of Indian goods, without being obliged to take any peace Officer with them in such Searches, tho' the said Farmers are to gain one mojety by the confiscation.

The substance of the several Acts passed since our aforementioned Report, is pretty fairly stated in the Petition, which Your Lord^{pps} sent to us for our information, and as they are all of them more or less lyable to the abovesaid objections, in our humble opinion they ought to be repealed. Their dates and Titles are as follows: viz^{t}.

N B. This Act expired at the end of the next session of Assembly after the 1st of Novr. 1725, which happened in June 1726.

1. "An Act to revive and continue the several Acts therein mentioned, relating "to the prohibiting of selling Indian Goods to the French and for promoting the "trade with the remote Nations of Indians, during the time therein mentioned, "and for the recovery of such penalties as are directed by the said Acts, passed "in Nov^{r} 1725."

Expired July 8th 1728.

2. "An Act, to lay different duties on the goods therein mentioned, and for "regulating the Indian Trade in the City and County of Albany, for the term of "two years, and moderating and ascertaining the fines incurred by former Acts if paid within "the time limited in this Act." passed in June 1726.

3. "An Act for explaining and enforcing an Act entituled an Act to lay different duties on the "Goods therein mentioned, and for regulating the Indian Trade in the City and County of "Albany for the Term of Two years, and for moderating and ascertaining the fines incurred "by former Acts, if paid within the time limited in this Act. passed in Nov^{r} 1726."

Expired at the end of the 1st session of Assemb: after July 8th.

4. "An Act for regulating and securing the Indian Trade to the westward of "Albany, and for defraying the charge thereof. passed also in Nov^{r} 1726."

5. "An Act for defraying the cost and contingent charges of the Trading house erected at "Oswego and the maintaining it during the time therein mentioned, for applying "several funds and borrowing a certain sum out of the Excise for that purpose "for the effectual recovery of fines and forfeitures; for continuing the different duties on Indian "Goods, during the time therein mentioned, and for making good the mony so to be borrowed "of the Excise. passed in Nov^{r} 1727"—

This continues the Acts 2 & 3. to Janry 8th 1729.

6. "An Act, for confirming the Act therein mentioned with some alterations and additions, "for paying provisions and other stores and services already furnished and done for the use of "the Trading house at Oswego, and for subsisting it during the time therein mentioned, for "borrowing mony for those purposes, and providing funds for the payment thereof, passed "in Sept^{r} 1728."

Thus having offered our opinion to Your Lord^{pps} upon these Acts, and laid before you the General objections to which they are lyable, so far as relates to the execution of the design proposed by them, it will be unnecessary to add anything upon the utility of the said design, under proper regulations, because our said Report with the papers thereunto annexed, to which we have beg'd leave to refer your Lordships, has stated that matter in a very full light, but we beg leave to say, we have always apprehended the prohibition of commerce with the French King's subjects in America, for goods proper to carry on, the Indian Trade there, to be of very great importance, and that the security of the British Plantations in those parts, is highly concerned in the event of this dispute. We are

My Lords,

Your Lord^{pps} most obedient
and most humble servants

P. Doeminique
T. Pelham
M Bladen
W. Cary.

Whitehall
Nov^{r} 19th 1729.

Attorney-General Bradley to the Lords of Trade.

[New-York Papers, Bundle Dd., 130.]

To the Right Honourable the Lords Commiss^{rs} of the Board of Trade and Plantations

The humble Representation of Rich^{d} Bradley Esquire His Majesty's Attorney General for the Province of New York in America.

Humbly sheweth to Your Lordships

That the General Assembly of this Province, have, by the two last Acts, relating to Oswego ettc. which passed (viz^{t}:) the one of them in September 1728, and the other in July 1729;

attempted to remitt many fines and forfeitures of 400 pounds a piece, and to mitigate several others which had become due to His Majesty; for offences against former Acts of Assembly, relating to the Offenders trading with the French at Canada. And have likewise by the same acts, appointed persons of their own nomination for the recovery of fines and forfeitures. From some of which persons, several considerable forfeitures had become due to His Majesty. Which Acts are therefore, in my humble opinion, highly injurious to his Majesty's prerogative and interest in this province, and if Your Lord^{pps} on perusal of them shall be of the same opinion, I humbly hope you will be pleased to represent them, as proper to be repealed by His Majesty.

That the very long and considerable arrear of his Majesty's Quit-Rents in this province is, as I have reason to believe, owing to that great Caution, that has been formerly used, not to displease Assembly Men, from whom and their friends (of which number are all those that do but vote for their elections) the greater part of such arrears are due, as I have been credibly informed; but the names of such, as are in arrears, and how much is due from each particular person, I can not be certain of, for want of copy's of His Maj$^{ty's}$ Rent Rolls and a yearly account of such arrears, from the Reciever Gen^{l}, to whom I have not yet applyed for them, for want of directions therein, least I should be thought too Officious—Which Quitrents if some effectual course were taken to get them called in, and duely paid yearly, 'tis believed might in a little time, considering the yearly encrease thereof by new grants of land, be near if not fully sufficient, to pay the Salaries of all the Officers of the Crown under the Governour.

That as Assemblys have so great an influence here, I humbly pray your Lord^{pps} will be pleased to consider whether they ought to be entrusted with so much power for the future, especially in relation to the makeing of Laws? and whether it would not be safest for His Majesty's interest, that hence forward, their Bills before any of them are passed into Laws, should be perused and certifyed (by such person and at such Reward for the same) as his Majesty shall be pleased to direct) that there is nothing containing in them, that's prejudicial to His Majestys interest, and that such Bills only, which shall be so certifyed, should pass into Laws, and the rest be rejected, or, if they must pass, that a provisoe should be inserted, in each of them that they shall be of no force until they shall receive His Majesty's Royal approbation; something of this kind as I have heard being practised in some other parts of His Majesty's Dominions, tho' it is not here nor has been in my time, I never having had but one Bill to peruse, and that was the Bill against Informations, which, I happening to hear of, before it passed presented a memorial against; a copy of which Memorial I formerly sent Your Lord^{pps} which (I humbly thank Your Lord^{pps}) had its desired effect, tho' here the memorial itself could not. I likewise presented a memorial against Oswego Bill which afterwards passed in September 1728, a copy of which memorial is enclosed. But against the Oswego Bill which passed in July last, I did not present my mem^{ial}, finding the other had no effect, and the necessity which the Govern^{t} here is under at present of complying with Assemblys.

And whether it would not be much for His Maj$^{ty's}$ servisce, that all the Officers of this Crown (on whom his Majesty's interest in these his so remote dominions, seems so much to depend) should not only be protected but suitably supported and encouraged in their duty, and their Salarys settled by Act of Parliament (or some other way, as to His Majesty's shall seem meet) so as to defeat all intentions to starve them (which some of them have been threatened with) and to render them entirely independant of the People, least the People, sooner or later, should become independant of the Crown Which God forbid.

These things, as they chiefly concerne His Majestys Interest in this Province I thought myself obliged, by my duty and oath of Office, as well as inclination to serve his Majesty, humbly and faithfully to represent to Your Lord^{pps}; with whom I leave them, to be used in such manner, as your Lord^{pps} shall be of opinion may most conduce to His Majesties service. Relying upon your Lord^{pps}, that no use to my disadvantage shall be made of them, or any thing else that I shall make known to your Lord^{pps} for the service of his Majesty, otherwise I and my family can expect nothing less, than utter ruin.—

All which is humbly submitted by

My it please Your Lord^{pps}

Your Lord^{pps} most humble and
most obedient servant

22 Nov^{r} 1729. (signed) R. Bradley.

Attorney-General Bradley's Representation against the Assemblies of the Colonies.

[New-York Papers, Bundle Dd., 130.]

Case.

Relating to Assemblys in the Plantations aiming at an independancy of the Crown.

That most of the previous and open steps, which a dependant province can take to render themselves independant at their pleasure, are taken by the Assembly of New York, seems to appear, from the following considerations.

1. They have long struggled for, and at last gained their point. viz^{t} that the Salarys of all the Officers of the Crown, should be such as they are pleased to vote them, sometimes raising, sometimes lowering, and at other times taking away intirely, the Salarys of such Officers, as they happen to be in the good or bad graces of the Assembly.

Which by the votes of the Assembly, and Minutes of Council, when the last Revenue in Gov^{r} Burnets time was given, and the votes of the 10th of August 1728 and minutes of Council thereupon may appear.

The consequence whereof is, that as the bread of these Officers depends on the Assembly, so the Officers themselves must of course do, and if this be suffered, here will in a little time be no one to oppose any steps the Assembly may think fit to take towards an independancy.

2. They have threatened with expulsion, and the branding with infamy any of their own Members, that should disclose the secrets of their house; which is well known here and the Council 'tis said, have taken notice of it in their minutes, in, or about Aug: 1728.

3. The Assembly have taken away from their Clerk his Salary of 80 pounds per Annum formerly paid him by the Crown, out of the Revenue; and in lieu thereof, have been pleased to vote him 12^{sh} p^{r} day, and that only while they sit. As by their votes of the 10th of August 1728. and the Minutes of Council, on drawing the warrants accordingly, may appear, which Salary no doubt, will be lessened or encreased, according to the good or bad liking they have

to their Clerk (who has been about 30 years in that office) which must at last, oblige him, as well as their Members, to keep their secrets.

The consequence whereof must be, that as they will hereby be entirely free from all checks of discovery, They will be at liberty to transact, consult or even enter into leagues, with other Provinces, as they please, without any probability of discovery or preventing their measures.

4. In their votes of the 30th July 1728. They have resolved: "that for any Act, Matter or thing done in General Assembly, the Members thereof are accountable and answerable to the house only, and to no other person or persons whatsoever" as by the said Resolve may appear, and the Council in their minutes upon it shew their sentiments thereon. By which Resolve the Assembly seem in express words, to claim an independancy; for none but a Supream power can be exempted from Rendering an account of their actions.

5. The outragious clamours, which were raised here, by their Assembly and their party against those Gentn of the Council, who, by order of Council, enquired into the occasion of the Assembly's resolves in their votes of the 25th Novr 1727. and the threats of those Gentln's being Mobb'd and pulled to pieces, and even privately murdered, and their estates ruined by actions at law, may be presumed, sufficiently to deter any of the Council hereafter, to attempt any stop to the measures of the Assembly, least they should meet with the like treatment.

6. The Assembly of late, will never pass any money Bill, unless some injurious Bill to His Majesty's prerogative and interest be passed at the same time, which, (as things are at present circumstanced) must be comply'd with, or no money can be had for the necessary support of Government.

As by the three last Acts relating to Oswego ettc in the 1st 2nd and 3rd year of His Majesty's Reigne, but more especially the two last of them and the Act against proceedings by information, and the manner of obtaining them, sufficiently evidence.

7. The Assembly likewise appoint a Treasurer of their own, to receive and pay all the money they raise, and allow him a greater premium than usual for the same, who only gives in general and very uncertain accounts of what he receives. As by the votes of Assembly and the support act in the second year of his Majestys reigne and other votes and Acts of their's may appear. And this, tho' his Majty has a receiver General here who has by several memorials, signifyed to the Assembly, that the receiving and paying of such money, appurtains to his office, and that he was ready to discharge that part of his duty, but without effect.

8. That some Officers of the Crown, have not only threatened to be starved but have been libelled, treated with the greatest contempt and even their persons asaulted and most grossly and shamefully abused, by such as are of the Assembly's Mobb or party, and that without any just cause and without remedy. For, by a Jury there is not the least hopes, as has been often found where the King is concerned; and persons in power dare not yet venture to displease these people so far as to shew much countenance to Officers of the Crown.

9. The case being thus, Assemblys seem already to be got beyond all manner of check or restraint whatsoever, and this, at a time too when other neighbouring provinces and part of his Majestie's Dominions, seem to shew the same kind of spirit and a strong inclination to take the earliest opportunity of setting up for themselves.

10. The Rebellion formerly by one Bacon and his party in Virginia, proved very expensive and troublesome to the Crown even at that time, when none of these Countryes were near so populous, as they now are; and tho' it may be thought impracticable at present for any of these provinces, or places alone, to attempt any thing of that kind, yet if several of them

should even at this time joyn in such a conspiracy (and could these Assemblys openly do more tho' they had actually so engaged), it would be extreamly difficult and expensive if not impracticable at this distance and in such a thicket of wood and Trees, as these Countrys are, to reduce them to their duty and obedience. In regard of their populousness at present, the skillfullness, strength and activity of the people, who are enured to hardships, can defend themselves in woods and behind trees, can live on roots and what the woods afford without bread, beer or spirits or forrage for horses ettc, and can travel in the woods without Guides, or the help of Roads, few of which are yet made; which, forces that have not been so used can't possibly do. Besides the impracticableness of drawing the necessary carriages for an Army, in such woods as these, the difficultys of passing great Lakes and Rivers the severities of Summer's heats and winters colds, the great perplexitys from flyes and vermine in the former, and deep snows ettc in the latter.

While Assemblys dare act thus, and seem to have it in their power to obtain what laws they please, how can his Maj^{tys} interest be secure in so remote a Country where people multiply so fast, a Country of so vast an extent, so consderable for its navigation and which takes off yearly so great a quantity of the Woollen, Iron and other manufactores of Great Brittain. Besides the dependancy which that valuable branch of the Revenue ariseing from the Virginia Tobaccos seem to have, on the security of the obedience of the People of these Provinces and Countrys to His Majesty.

Upon the whole would it not be adviseable, that no Assembly for the future should transact any affair in their house, without the presence of a Commissioner in behalfe of the Crown, as 'tis said is used in the General Assembly in Scotland, which Commissioner should therefore be rendered independant of the Assembly and intirely dependant on the Crown; and also, that some effectual, speedy course be taken, to render all the Officers of the Crown intirely independant on Assemblys.

22. Nov. 1729.

Governor Montgomerie to the Lords of Trade.

[New-York Papers, Bundle Dd., 135.]

My Lords,

I did myself the honour to write to Your Lord^{pps} on the 20th of last month, an Account of the proceedings of the Assembly of New Jersey, but being disappointed of the ship that was to carry it, that letter and this will be delivered at the same time.

I now send your Lord^{pps} the Acts past in the last Session of the Assembly of New York, whereon I beg leave to make the following remarks.

N° 1. An Act to revive and enforce an Act, entituled: an Act for settling and regulating the Militia in this province, and makeing the same useful for the security and defence thereof, and for repealing all other acts relating to the same, during the time therein mentioned.

This is an Act to revive and enforce the Militia Act, the Act which it revives is before your Lord^{pps} and needs no new remarks; the other Clauses in this are intended to provide for some things, wherein the former Acts are deficient or silent with respect to the Militia of New York.

N° 2. An Act for the further continuing an Act, entituled an Act, to let to farm the Excise of strong Liquors retailed in this Colony for the time therein mentioned, and for declaring Shrub liable to the same duties as distilled liquors.

An Act of this nature being annually past, I shall not trouble Your Lord^{pps} with a repetition of any remarks upon it.

N° 3. An Act for the Relief of Insolvent Debtors, within the Colony of New York, with respect to the imprisonment of their persons.

This Act being formed upon the model of the Act of Parliament, is intended for the same purposes, as near as the circumstances of the Province will admit of.

N° 4. An Act for stricking Bills of credit to the value of three thousand pounds, and puting the same into the Treasury to be exchanged for shattered, torn and defaced Bills, struck and issued by virtue of several former Acts.

It cannot be, but that paper money which is the current cash of the Province, and daily handed about from Man to Man should in a short time be so worn and defaced, that if some remedy were not provided, it would become altogether useless to the possessor and the Trade of the Prov^{ce}: which is supported by this medium would sensibly decline; and it is but just, that the publick upon whose faith the paper money first had its being, should on all occasions provide for its subsistance, so long as it is by the laws enacted to be current, for which purpose this Act was past, nor is it the first of the kind, as Your Lord^{pps} will perceive by those recited in this.

N° 5. An Act for continuing an Act, entituled, an Act to amend the practice of the Law, and to regulate the giving of special Bail.

N° 6. An Act to continue an Act, entituled, an Act for regulating Fences, for the several Cities and Counties within the Colony of New York.

N° 7. An Act to revive an Act, entituled, an Act for the better clearing regulating and further laying out publick high roads in the County of West Chester.

Those Acts being to revive and continue some other Acts heretofore past and lying before Your Lord^{pps} I beg leave to referr to what has been said on them.

N° 8. An Act for the further continuing the Currency of Bills of Credit struck and issued in the year 1720. of the value of five thousand ounces of plate during the time therein mentioned.

By an Act past in the seventh year of his late Maj^{ty} for supporting the Govern^{t} until the first of July 1726, entituled, An Act for a supply to be granted ettc. There were struck and issued Bills of credit to the value of five thousand ounces of plate, to pass current in all payments till the first of July 1726. and in the Treasury till the first day of January following, and then to be destroyed. But the funds granted by the said Acts proved so far unable to sink those Bills, occasioned partly by some extraordinary incidental expences of the Govern^{t} and partly by the Members of the Assembly receiving ten shillings per day during that session, that by another Act passed in the ninth year of the late king, entituled An Act for raising, and levying the quantity of Five thousand three hundred and fifty ounces of plate ettc. four thousand ounces thereof were applyed to discharge the warrants of such Officers of the Govern^{t} as were then unpaid, there remained still so little probability of sinking the said Bills by the funds on which they were struck, that out of another extraordinary Levy granted by an Act passed in the tenth year of the late King, entituled, An Act for raising and levying the sum of six thousand six hundred and thirty pounds ettc. there was appropriated the sum of two thousand five hundred twenty one pounds fifteen shillings and three farthings to supply the

deficiency in His Majᵗʸ's Revenue. By all the information I can get, those were the reasons why the above mentioned Bills of Credit were continued to remain current by the following Acts. By an Act past in the 12ᵗʰ year of his late Majesty, they were continued till the first of July 1727. By another Act past in the said twelfth year they were continued till the first of July 1728. By an Act past in the third year of his present Majesty, they were continued till the first day of July 1730. and from thence to the end of the next session. And by this present Act they are continued till the first of Sepʳ 1733.

Nº 9. An Act for the better preservation of Oysters.

There was an Act of this kind formerly past in this province, during the continuance whereof the Oysters encreased to that degree, that the City of New York was constantly supplyed in the proper season at easie rates, but since the expiration of it, the people being under no restraint, the Banks are almost destroyed. To preserve what is left, and to procure an increase is the design of this Act, which will be greatly to the advantage of this City, if it be duely observed.

Nº 10. An Act to prevent the taking or levying on species more than the principal interest and cost of suit, and other purposes therein mentioned.

This Act took its rise as I am informed, from some executions lately executed for the ful penalty of the Bonds, without any regard to what was really due, in which case, I am told the Defendant, has no other remedy but in Chancery, which being a tedious and expensive way to obtain redress, it was thought proper to pass this Law, which will be a general benefit to all Defendants in the like cases and no injury to Creditors, since their whole principal, interest and costs is preserved to them.

Nº 11. An Act for the better clearing, regulating and further laying out publick high ways in King's County, Queen's County, Richmond County and Orange County.

This Act is much the same, as is many others past from time to time as occasion required, and is very necessary at all times. Sometimes they have been General, respecting the whole province, sometimes particular to one County, and at the other times more than one, which having been always transmitted to Your Lordᵖᵖˢ I shall trouble you no further about this Act.

Nº 12. An Act for the more effectual preventing and punishing the Conspiracy of Negro, and other Slaves, for the better regulating them and for repealing the Acts herein mentioned relating hereto.

If Your Lordᵖᵖˢ will be pleased to look on the last clause in this Act, you will see, that several Laws have been past formerly in this province for the regulating their Slaves, and preventing and punishing their conspiracies, which is no less necessary now, than it has been heretofore, but because some doubts have arisen, upon the construing some parts of those Acts, it was thought necessary to repeal all those heretofore made, and to substitute this present Act in their room, which will remove former doubts, and encourage the Magistrates to exert themselves when occasion requires, and I think it much better, that they should have a plain rule to walk by, than that they should be puzzled with doubts, intricacies and uncertainties.

Nº 13. An Act to defray the charge of victualing His Majᵗⁱᵉˢ troops posted at Oswego, and for other purposes therein mentioned.

By the Act past for this purpose, tho' with a different title in 1729. the victualling of the Forces, and the regulation of the Indian Trade at Oswego, were put into such a method, as gave great expectations, that the Six Nations of Indians would thereby be induced to come cheerfully and constantly to Oswego with their Furrs and Peltry, since they were to be taken

into the protection of the Officer posted there, who had orders to secure both, their persons and effects, from the impositions of the Traders, who resorted thither from Albany to deal with them. Nor did I hear that even the Traders themselves complained of this Act, for every one of them had all the fair advantages they could expect from that Trade, so that there seemed to be an universal satisfaction in that part of the Country, especially when they saw the Indians flock thither with their Beaver and Peltry. The Assembly likewise, I mean those who represent the Counties remote from Albany, and make twenty of twenty six, which compose the House of representatives, were well satisfied, that they had taken a method to subsist Oswego, without burthening their constituents.

In this situation was this affair, when I heard that a petition was presented to Your Lord^{pps} in the name of some Merchants of this place, agst that act; a petition, as I am since informed, drawn and signed by some of the People of Albany, long before that act passed in 1729. I shall not trouble Your Lord^{pps} with any remarks upon it since the Act itself has received his Maj^{ties} disapprobation.

Sometime after I was informed, that the King's disallowance of the Act was at Albany, I sent thither to enquire after it, that I might lay it before the Assembly, whose meeting I had put off from time to time expecting his Maj$^{tie's}$ disallowance of that Act would have been sent directly to me. When I had got it, and the Assembly met, I acquainted them with it in the manner, your Lord^{pps} will see in my speech to them. Here I had various humours to contend with, ariseing from various causes, some were for supporting the Garrison there by a land Tax, others by impositions on the Traders, others again of the lower Counties, thought it a place of no importance to them or those they represented, and these last made a great part of the house. In this disjointed state they continued sometime, but at length they resolved to support it for one year only, and in the mean time to lay before Your Lord^{pps} a representation, wherein they desired the Council to joyn with them. The ways and means they first agreed on for this support was (as Your Lord^{pps} will see by their votes) of twenty shillings for every person trading with Indians, and three shillings a head for every one who wears a Wigg. On these resolves they drew a Bill, which after much time spent, was rejected upon the third reading. This proceeded from my declaring to the speaker, and some other to the Assembly that I could not give my assent to any Act which loaded the Indian Trade in any way whatsoever, till I should receive His Majesties permission; yet dreading the consequences of having Oswego neglected, I used my utmost endevours but all in vain to perswade them to subsist that Garrison by a Land Tax, or some other way, that might not only answer the end, but be also equitable in the proportion of the expence. They did however recede from the imposition they had before resolved on the Trade, but would not depart from the wigg Tax, the only means they could be brought to think of for the support of that place; In this Tax the Counties bear but a very small proportion, and the only prevailing inducement to this one years tryal, was the expectation they had from their Representation, that they might be allowed to make the Trade bear the expence hereafter. Here I beg leave to tell your Lord^{pps} that from good reasons I am fully convinced, that no argumentss will ever perswade the Assembly to support it any other way, at the same time I assure You, that the withdrawing the Garrison and deserting the place, will be attended with fatal consequences. The Albany members being sensible that Oswego must be deserted, and their Trade for ever lost unless some other method were taken for the support of the place, were very zealous for the representation, which being formed by a Committee of the Council, joyned with a Committee

of the Assembly was unanimously approved and signed by the Members of both houses, as the only means left them to preserve their Trade, to protect their frontiers, and to keep the Six Nations of Indians in their Allegiance and just dependance on his Maj^ties^ Government.

At this time, and on this occasion, I received frequent and earnest applications, not only from the Albany Members who represented the Frontier County, but likewise from the most considerable of the Traders, even some of those who were the principal petitioners against the Acts repealed, entreating me to countenance the representation in General, and in particular, to endevour to prevail with your Lord^pps^, to obtain His Maj^ty's^ permission to erect a Company for that Trade, who are willing to be obliged by Law, to support and maintain the Garrison at Oswego, in as ample a manner as it has hitherto been done. Nor is this overture they say, in any wise disagreable to the motives, that induced them to petition against the Acts repealed; since they shall by this incorporation be put into a full possession of the Trade, be impowered and enabled to extend it further than hitherto it has been, without being subjected to penalties and forfeitures, of which they before complained, nor will their Correspondents in England or the Manufacturers of the Furrs & Peltry any longer feel the decay of Trade they lately laboured under; for as the Indian Trade was managed before the regulations under which it was put by the Act 1729, every Trader greedy of gain, never considered what was just, but sometimes with a high hand sometimes with deceit and Artifice, surreptitiously got from the Indians their Furrs and peltry, and when they were thus posesst of them, obliged those poor wretches to take what they would give them, whereby they were in a great measure deterred from coming to Oswego, and compelled by this usage to seek another market among the French. This was a great cause of the decay of that Trade, whereas if a company were incorporated, they would make it their business to encourage the Farr Nations to come to them at Oswego, by kind usage, and an open and generous Traffick, there being no way so effectual to recover the trade they have lost, or to extend it further than hitherto it has been; and this they say they can do to advantage, being able at all times to undersell the French, and since their own profit must arise from the encrease of Trade, and that they will then be in no danger of having it shared by others, it will be their interest to do so, whereby their correspondents and the Manufacturers at home will be likewise greatly benefitted, and the woollen manufacture of Brittain be imported here in great quantities.— Thus My Lords I have laid before you this affair, in the plainest manner I can, without presuming to give my own opinion, for as it is a matter of the highest importance to the Trade, as well as to the protection to the Frontiers of this Province, I am perswaded that Your Lord^pps^ will consider it in the fullest view.

There is yet somewhat further to be said of no less importance, which I shall lay before your Lord^pps^. I have hitherto spoke of Oswego as a Trading House, and a place of security to the Frontiers of this Province, I must now beg your Lord^pps^ to look upon it as a Garrison, situate in the midst of the Six Nations, protecting them from the sudden attacks of the French in time of war, and screening them from their affronts, and designing machinations in time of peace; Your Lord^pps^ are too well acquainted with the Geography of the Country, not to know, that the six Nations is a Barrier between Canada and New York, New Jersey, Pennsylvania, Maryland and Virginia, that the former security of these provinces in the late war with France, has been owing to that Barrier; if the French therefore should by any arts alienate the affections of those Nations, all these Provinces, in case of another war between the two Crowns, must be exposed to all the miserable effects of a barbarous Enemy; since it is

impossible to erect and maintain Forts and Garrisons, in a Country of such a vast extent. New England which lyes on the other hand, and has no Indian nation between them and the French, has often felt the miserable effects of war, nor have they been able, at the annual expence of fifty thousand pounds, tho' a very populous Country and many Towns in it, to protect themselves from the sudden assaults and depredations of the French; in what a wretched condition, must those other provinces be, especially Maryland and Virginia, where they have few or no Towns, and how soon and how sensibly, must Great Brittain feel the effects of a War, which for want of the interposition of the Six Nations, destroys their plantations, and renders the People incapable of raising those commodities, which brings a great Revenue to the Crown, and is now by that means a nursery of the first note for seamen. That the French have a just sence, of the importance the Six Nations are to us, and would be to them could they gain them, appears from the great expence they put themselves to, in keeping their Emissaries among them, making presents to the principal Men, inviting, entertaining, and caressing them when they go to Canada, using all possible arts to ingratiate themselves to magnifye their own power, and to depreciate ours. Nor can it be supposed, that this expence of presents, Fortifications and Garrisons, can be defrayed by the people of Canada, no, they are supplyed and maintained from home, in hopes that they will hereafter reap a plentiful harvest. Canada has from a small beginning, rose of late years to a very great Bulk, nor do they in their greatness decline from the arts they first used, for now very lately, as your Lord^{pps} will see by the letters and papers, I received from the Commiss^{rs} of the Indian affairs, of which I enclose a copy, they have employed an Agent, who pretending himself to be a fugitive, has desired leave of the Sinnekes, one of the powerfullest of the six Nations to build a Trading house between Oswego and Yagero, this is the first foundation of a Garrison, and in the same manner they built that of Niagara and Kaderachque. In building Oswego, this Govern^{t} copied after them, the Indians being unwilling to grant liberty to build a Fort or Garrison, for this reason, the Assembly was always called Oswego a trading house, tho' it was intended to be, has been, still is, and I hope ever will continue a Garrison.—Thus much, concerning Oswego I have thought myself bound in duty to His Maj^{ty} to lay before Your Lord^{pps}, whatever be the fate of that place, I hope Your Lord^{pps} will do me the Justice, to give me the testimony of having acquitted myself as I ought, and I hope to receive from you such directions, as may guide me to the end I have principally in view, his Maj^{ties} honour and interest, and the safety and prosperity of the Provinces committed to my charge.

N^{o} 14. An Act to prevent swine from running at large in the City and County of New York, County of Westchester, Queen's County, King's County and Richmond County.

Your Lord^{pps} will perceive by the preamble of this Act, that others of the like nature have been heretofore past, which being expired, or not fully answering the end, it was thought proper to pass this Act, and repeal the others, which its hoped will come up to the intention of the counties concerned.

N^{o} 15. An act for naturalizing Herman Winkler and other persons therein named.

So many Acts of this kind having from time to time been passed, I shall not trouble Your Lord^{pps} with any remarks on this, begging leave to refer to what has been said on the former Acts.

N^{o} 16. An Act for paying Richard Bradley Esq: one hundred and fifty pounds, and Henry Beekman Esqu^{re} fifteen pounds ten shillings for the consideration and in the manner therein mentioned.

Your Lord^{pps} will see by the Act for what services this money is given, the other Counties of the Province being impowered by an Act formerly past, to raise money to defray their necessary charges, do it annually, but the City of New York not being thereby fully impowered to do the like, and the services mentioned in the Act having been performed, the Assembly Judged it requisite to pay those demands in this manner, many of the prosecutions concerning the whole prov^{ce} others the City of New York only.

N° 17. An Act to enable the Mayor, Alderman and Commonality of the City of New York to raise money for the term of three years, to purchase two Fire Engines, and for the other purposes therein mentioned.

The services intended to be performed by this Act are absolutely needful, nor have the Corporation any other way to defray the Expences, their small Revenue being scarce sufficient to answer their other necessary demands.

N° 18. An Act to continue an Act, entituled, an Act to prevent Swine running at large in Dutchess County, and in the Mannor of Livingston and in the precincts of the Mannor of Rensselaerwyck called Claverack, in the County of Albany.

This Act being only to continue another which has been found useful, I shall not trouble your Lord^{pps} with any other remark upon it.

N° 19. An Act to prevent the destruction of sheep by dogs in the City and County of Albany, County of Westchester, County of Suffolk, Queen's County King's County, Richmond County & Orange County.

The Members of the respective Counties mentioned in this Act thinking it necessary for those Counties, and no inconvenience being foreseen, the Act was past.

I have received a New Seal for this Province & do return to your Lord^{pps} the old one as His Maj$^{tie's}$ warrant directs. The New Seal for the Province of New Jersey was lost in the passage, of which I have ordered my Agent M^{r} Drummond particularly to inform Your Lord^{pps}. I have nothing more relating to this province to communicate to Your Lord^{pps} at present, and I am with great respect. My Lords,

Your Lord^{pps} most humble and
most obedient servant.

21st Dec^{r} 1730. (signed) J. Montgomerie.

Commissioners of Indian Affairs to Governor Montgomerie.

[New-York Papers, Bundle Dd., 136.]

A Copy

Albany. 26. Nov^{r} 1730.

May it please Your Excellency.—

By the enclosed minutes your Excellency will perceive what information we lately received from the Sinnekes Country. That the French intended to make a settlement at Tiederontequat only fifty or sixty miles from our Garrison at Oswego in the passage of the Sinnekes from their hunting, and of the Far Indians from their Country to us; which attempt is as we conceive a manifest breach of the Treaty of Peace and commerce between our Crown and that of France: and if we must calmly submit to this incroachment, to have our trade

cut off at one blow, we are a very unhappy People—(we are also informed that the French are to build a Fort at Crown point at the south end of Corlaer's Lake but one hundred and twenty miles from this place) perhaps on pretence to intercept and prevent the Trade of the Indians hither and to Canada is also against said Treaty, which is not the only detriment and mischief we apprehend from it, but in case of a rupture between the Crowns it will be a very convenient rendez-vous & Magazine for their Indians to make easie assaults on this County and New England, and where they may at their leizure convey provisions ettc over the lake and surprize this City.

Wherefore we humbly hope and desire that your Excellency will be pleased to represent this Affair to the Court of Great Brittain in order that this approaching evil may be prevented, for if the French do proceed to make these settlements, our City and County is apparently ruined. We hope that we shall not be left thus naked and open to the fury of malicious vigilant Enemies.

We being informed that the Gov^{r} of Canada has sent several French Indians a hunting towards Kaderachque, who used to hunt at the Carrying place on our Frontier, and that we daily hear such precarious accounts of the daily incroachments of the French on our Indian Trade, and Capt^{n} Blood having received a pacquet wrote in French from Kaderachque by an Indian that he could not read, which he to our great surprise enclosed in a pacquet to Capt^{n} Holland for Your Excell^{cy}, which at this juncture of affairs we conclude may be of so pernicious consequence to this province, And as Your Excellency has been pleased to instruct us with the Affairs here has moved us (on the enclosed affidavit of Robert Dunbar that there was such a pacquet) to incroach on Your Excell$^{cy's}$ goodness to know the purport of the said Pacquet, directed to Capt^{n} Blood, which we beg Your Excellency will be pleased to pardon—

Which after perusal we find to be of another nature than we at first conjectured. We conclude with that we are—with great esteem and respect

Your Excell^{cys} most obedient and most humble servants.

Philip Livingston	Joh^{s} Cuyler
Myndert Schuyler	Abraham Cuyler
John Schuyler	Nicolas Bleecker
Evert Wendell	Barent Sanders
Stevanus Groesbeck	Dirck ten Broeck

Minutes of the Commissioners for Indian Affairs.

[New-York Papers, Bundle Dd., 186.]

At a meeting of the Commissioners for Indian affairs in Albany the 23rd Nov^{r} 1730.

Present—Philip Livingston, Rutger Bleecker,
Myndert Schuyler, Evert Wendell,
Dirck ten Broeck.

That in Lawrence Claese's return from Onondago he does further inform this board that he met with an Indian of the Six Nations, who told him that one Jean Ceure a French Officer

and Interpreter was in the Sinnekes Country, and had some French Soldiers with him, which said Jean Ceure told the said Sinneke Indians, that he haveing disobliged his Governour was Duck'd whip'd and banished as a malefactor, and said, that as he had been a prisoner among that Nation, and that then his life was in their hands, and as they then saved his life, he therefore deemd himself to be a Coherent brother to that Nation, and therefore prayed that they might grant him toleration to build a tradeing house at a place called Tiederontequatt. at the side of the Kaderachqua lake about ten Leagues from the Sinnekes Country, and is about middle way [between] Oswego and Yagero, which place foreign Indians especially must pass and repass to and from Oswego, and frequently the Foreign Indians stop there and go by land to the Sinnekes to furnish themselves with provisions, and the Sinnekes very often repass that way from their Beaver hunting. And that he, the said Jean Ceure entreated and beg'd the Sinnekes that they would grant him liberty to build the aforesaid Tradeing house at that place, in order that he might get his livelyhood by tradeing there and that he might keep some Soldiers to work for him there whom he promised should not molest, or use any hostility to his Brethren the Sinnekes; which aforesaid treaty of Jean Ceure is confirmed by a Report we have from one of the Gentlemen of this Board that he was informed the same by another Indian of the aforesaid Nations. And we have received a letter from Abraham Wendell, Barnardas Hartsen, and Comp^{y} from the Sinnekes Country dated the 12th of October last whereby we are advised that the Nation of Indians called the Foxes had sent two red stone Axes to the warring young Men of the Sinnekes who gave them to the Sachims, and they gave them to the Governour of Canada, because he was at warr with them; moreover there was no request therein, as they said, but we are assured by the aforesaid letter that those Axes were sent upon some request. All which Mons^{r} Jean Ceure confirm by telling our Comp^{y} there, that the Sinnekes Indians had given them two stone axes, which the Foxes had sent to them, requesting that they might live and settle among them, but Jean Ceure said that he had sent them to his Governour, and that he had told the Indians, that if in case they should admit the Foxes to settle among them, that then the French and English together would come and cut off their Castles while they were now united in one body; and further told our people that he designed to stay there this ensuing winter in the small Castle upon the subject of the two Axes. Whereupon it is resolved to write the following letter to Abraham Wendell, Barnardus Hartsen and Comp^{y} now posted in the Sinnekes Country.

Albany 23rd November 1730.

Gentlemen,

We received your letter of the 12th of October last and we are glad that you are all in good health but we understand thereby that Mon^{sr} Jean Ceure has been tampering with the Sinnekes in a very odd manner in order to shelter himself among those Indians. We likewise perceive by your letter that the Foxes have sent two Red stone Axes to the warring young men of the Sinnekes who gave them to the Sachims and they to the Governour of Canada because there was no request thereby as they said, but Jean Ceure told you that there was a request by the two axes, and that he had sent them to the Governour of Canada; that the Foxes had desired that they might come and live among them, and that Jean Ceure told them that in case they should admit the Foxes to settle among them, that then the French and English would come and cut their Castles off. Upon considering of which your letter and this affair, we desire that you tell them that we do not think it strange that those Indians have been endeavouring to get

liberty, to settle and shelter themselves among the Sinnekes, and we are much more surprized, that they have not encouraged those Indians to come and live among them, while they are a wise people, and have taken much pains to go to war to take prisoners, to strengthen themselves; and should they now refuse a whole Nation of Indians to come and live in the Sinnekes Country. And we think it very strange that they have delivered the two Red Axes to Jean Ceure, in order to be sent to the Governour of Canada while we expected that they should have sent the same to our Governour in which you may tell them that they have been much wanting in their duty; you may also tell the Sinnekes, that as to what Jean Ceure told them that in case they should come to settle among them the French and English would come and cut them off, you must tell the Indians, as to that, what was the reason that the French did not assist the English when the Anogongaars Indians warr'd with them, while the English and French were in friendship, but instead thereof supplied the said Indians with powder and lead ettc. against the English and therefore tell them that we desire that they will by all means invite the nation of the Foxes to come and settle among them, it being what constantly has been recommended to them by all Governours to invite and encourage as many Indians to settle among them as possibly they could, for that is a means to strengthen them, and that we wonder since the French have so often deceived them with false stories, that they can not apprehend that the meaning of the French is to hinder the said nation to come to settle among them, and by means thereof to keep the Five Nations Low. And we can not think that while they are sensible that we always have been one head, one heart and one body, that they should suspect that we should joyn with any nation to do them harm, for on the Contrary, the covenant chain between the Six Nations and us, is, that we shall help each other when there is any necessity for it; and hereupon you must lay down a Blanket Strowds, to renew the Covenant. And since Mons^{r} Jean Ceure has told the Indians that he was Banished out of Canada ettc. and that he pretended to be a native of the Sinnekes Countrey, and thereupon desired liberty to build a tradeing house there, at a place called Tiederondequatt in order that he may get his liveing there by Tradeing, and that he may keep some Soldiers there with him, to work for him, we therefore in His Excellency, our Governours name desire that you'll heartily request it of the Indians not to grant him any land or suffer him to build, for that they can not but be sensible, that a Man who has been banished out of his Country, cannot have so much command as to have Soldiers under him, but on the contrary his design is under pretence of building a Tradeing house, he will encroach so farr on their lands till he builds a Fort as the French have done at Kaderachque and Jagera, where they first built tradeing houses, and then turned them into Forts by which means they endevour to keep the Six Nations under. We desire that you'll take good notice what Jean Ceure does this winter in the Sinnekes Country, and let us hear from time to time of his management there.—

A true copy examined p^{r} PHILIP LIVINGSTON
Secretary for the Indian Affairs.

Governor Montgomerie to Secretary Popple.

[New-York Papers, Bundle Dd., 143.]

Sir,

I have by this occasion transmitted to My Lords Commiss^{rs} an account of the proceedings of the Assemblies of New York and New Jersey with other papers relating to these provinces and particularly a representation to their Lord^{pps} signed by the Members of the Council and Assembly of New York, concerning the Indian Trade, and supporting the garrison at Oswego. I hope their Lord^{pps} will take it into their consideration as soon as possible, for they have voted a support for Oswego but for one year, and I fear will never give another, unless it be in the manner proposed in the representation—

I shall not trouble you with repeating what I have said in my letters to the Lords but refer you to them. When you come to that point of defraying this year's incidental charges of the Govern^{t} of New Jersey out of the interest money, you will see what difficulties I had to struggle with, and I do now assure you, that if I had not given my assent to the Bill enacting it, the Government of New Jersey had now been without any support, and in as great confusion as ever the Govern^{t} of New England was in the height of their disputes with Governour Burnet. I beg to hear from you sometimes, and I am with great respect—

Sir

Your most obedient, and most,
humble servant,
(signed) J Montgomerie.

21 Dec^{r} 1730.

M^{r} Popple.

Governor Montgomerie to the Duke of Newcastle.

[New-York (S. P. O.), VIII., 57.]

New York December 21. 1730.

My Lord

I do myself the honour to send your Grace a copy of my letter of the 20 of November to the Lords Commissioners of Trade, giving an account of the proceedings of the last Assembly of the Province of New Jersey, your Grace having formerly approved of this manner of transmitting my informations I shall not now repeat what is contain'd in the inclosed.

That Assembly voted an Adress to His Majesty entreating him, that whenever He shall please to put a period to the government of the present Governour, that then he will be pleased to bestow a distinct governour on that Province. Expressing at the same time their satisfaction with the present Governour, during such time as His Majesty shall be pleased to continue him in Commission. This Adress they desire me to send to your Grace, and they beg you will do them the honour to present it to His Majesty. I am told that upon the rumour of this adress, some application has been already made for the government of New Jersey, but I think my self very safe, trusting to His Majesties goodness and your Grace's protection:

Especially since the adress itself does not desire a seperate Governour while His Majesty is pleased to continue me in that station.

I also send your Grace a copy of my letter to the Lords Commissioners of Trade of this date, containing an account of the proceedings of the last Assembly of the Province of New York. I have enclosed a copy of a representation signed by the members of Council & Assembly relating to the Indian Trade, and supporting the garrison at Oswego. The prosperity of this Province depends so much upon the success of this representation, that I earnestly beg your Grace will countenance it and promote the granting what is desired in it.

When your Grace peruses the enclosed letters &c. from the Commissioners of the Indian affairs at Albany, you will see that we have great reason to be jealous of the proceedings of the Governour of Canada, and if some stop is not put to his measures, we will be in danger of losing the friendship of the six Nations and consequently our Indian Trade.

Having said a great deal on this subject in my inclosed letter to the Lords Commissioners of Trade, I leave it to Your Grace's consideration, and I rest satisfied in this, that your Grace will do in the affair what is most for his Majesties honour and service, with a tender regard for the interest of His subjects.

I am with the greatest respect
Your Grace's most obedient
and most humble servant
J. MONTGOMERIE

His Grace the Duke of Newcastle.

Petition of Captain Anthony Rutgers to the King.

[New-York Papers, Bundle Dd., 138.]

To the KINGS MOST EXCELLENT MAJESTY in Councill.

The humble petition of Anthony Rutgers of the City of New York in America Merchant.

Sheweth.

That by letters Patent dated the 9th day of August in the 6th year of the Reign of King William and Queen Mary passed under the seale of the Province of New York and registered in the Secretary's Office there a certain Swamp and Fresh pond called the Fresh water, and adjacent to the Dukes Farm upon the Island Manhattan now called New York Island beginᵍ (as in the said patent is set forth) at a stake sett in the ground on the South side of the said pond and at the North East Corner of the land belonging to Wᵐ Merritt thence running along the south side of the said Swamp and pond by the Upland to the beach on the East side of Hudson's River so along the beach to the upland, thence crossing a small Gut of the said Swamp to the land on the East side thereof thence by the said land as it runs to the East side of the Tan Yards, and thence to the place where begun containing in all seventy acres as by a survey then taken thereof appeared, was granted unto Captᵖ John Evans his heirs and Assignes for ever under the yearly rent of one pepper corn.

That there having been about the same time several exorbitant and extravagant grants of Land lying in the said province made by the said then Govr thereof, their Excellencies the then Lords Justices by their instructions bearing the 10th day of Novr 1698. directed the then Governour of the said Provce to use all legal means for the breaking of extravagant grants of Land in the said province.

That according to this instruction the Assembly of New York passed an Act entituled an Act for the vacating, breaking and annulling several extravagant grants of land made by Coll: Benjn Fletcher the late Govr of this Province under his Majty, which act recited several exorbitant grants containing mostly large tracts of land from 20 to 30. miles and the said Captn Evans having a grant of a large tract of Land besides the grant of the said Swamp above mentioned, the said grant of the said Swamp (tho' but 70 acres) was (as it is presumed on account of his said other grant) recited in the said Act as an extravagant grant, and all the grants of land recited in the said Act (and amongst the rest that of the said Swamp) were by the said Act declared to be extravagant Grants in themselves and within the meaning of the said instruction, and as such were thereby broke, vacated and for ever anulled, and it was enacted that all the said grants for the said several Tracts and parcells of Lands should for ever thereafter cease, determine and become null and void and of none effect to all intents and purposes whatsoever as if no such grant and Registers of the same in the Secretary's Office had ever been made, and the said Grantees their heirs and Assignes were for ever thereafter divested of any Right, title or claim unto the same; and his then Majesty was by the said Act fully and immediately seized and reposessed of all and every the before granted premeses in as full and ample manner as if the same had never been before granted and it was enacted that the Registry which had been made of the said grants in the Secretarys Office, should be immediately obliterated and razed and the memory or record thereof be reduced into oblivion as if no such grants had ever been made or registered.

And to the intent that it might not be in the power of his then Majesty's Governours for the time thereafter to make for the future such extravagant grants of land, it was further enacted that it should not be in the power of any of his then Majesty's Governours which should thereafter be Governours of that province under his then Majty his heirs and Successors for to grant or demise for any longer than his own time in the Govern^{t}, The King's Farme, the King's garden, The Swamp and Fresh water being the Demesne of His Majty's Forts at New York and for the benefit and accommodation of his Majesty's Governours and Commanders in Chief for the time being and all grants thereof made by any Govr longer than for the time before mentioned are declared to be ipse facto void.

That Your Petitioner begs leave most humbly to inform Your Majty that the said Swamp is filled constantly with standing water for which there is no natural vent and being covered with bushes and small Trees, is by the stagnation and rottenness of it, said water become exceedingly dangerous and of fatal consequence to all the inhabitants of the north part of this City bordering near the same, they being subject to very many deceases and distempers, which by all Physicians and by long experience are imputed to those unwholesome vapours occasioned thereby and as the said Swamp is upon a levell with the Waters of Hudsons and the South Rivers, no person has ever yet attempted to clear the same, nor ever can under a grant thereof which is to expire with the next New Govr; for the expence in clearing the same will be so great and the length of time in doing the same such that it will never be attempted but by a grantee of the Fee simple thereof, and as the same can be of no benefit untill it is cleared, so

no person hath hitherto accepted a grant of the said land on the termes in the said Act mentioned, but the same hath ever since lain and still remains unimproved and uncultivated to the great prejudice and annoyance of the adjacent farms particularly to a Farm of your Petitioner's adjoyning thereto, which Your Petitioner after having been at a great charge and expence in settling, cannot prevail on any tenant to take the same or get any servants to continue there for any time while the said swamp remains in its present state.

Wherefore and as it will not be worth any person's while to drain and clear the said Swamp unless he have a grant of the Fee simple thereof and as it is undoubtedly in Your Majesty's power to grant the Fee simple thereof and as no Gov^{r} of the Province or any other person hath for these 33. years past attempted a work of this kind which can not be compleated in the time that Governours usually reside in this Province, and as it can not be expected that any one will be at the great expence, and spend so much time as the cleaning and draining the Swamp will take up, without he can be sure he shall have a permanent interest therein and as unless this swamp be drained and cleared it must for ever remain a Pest and a publick nuzance for the time to come as it hath done for 33 years past and as the City is now extended very near the borders of this Swamp and as the same continuing in the condition it now is may very prejudicially affect the labouring Men who live in that part of the Town nearest this Swamp where land is purchased at an Easy rate on account of this Swamp and who actually loose one third of their time in sickness, and your Petitioner being willing and desirious to be at the expence of draining and clearing the same on haveing a grant of the inheritance thereof your Petitioner therefore most humbly prays Your Maj^{ty} that you will be graciously pleased by Your Royal leave and license to impower John Montgomerie Esq^{re} Your Majestie's present Gov^{r} of this Province to grant the Fee simple and inheritance of the said Swamp or Tract of land to your Petitioner his heirs and Assignes under the reservation of such moderate quitt Rents as shall be thought proper.

And your Pet^{r} shall ever pray ettc.

December 1730.

Affidavit in support of Captain Rutgers' Petition.

[New-York Papers, Bundle Dd., 139.]

George Montgomery of the City of New York in America but now in London Gênt. Thomas Wildman of New York in America Tallow Chandler (now in London) and Moses Buchanan of the Parish of S^{t} Martin's in the Fields in the County of Middlesex Surgeon, joyntly and severally make oath that they these Deponents are very well acquainted with a certain Swamp and fresh pond lying in New York in America called the fresh water and adjacent to the King's Farm formerly called the Dukes Farm upon the Island now called New York Island, and which was formerly called by the Indians Manhattan Island as these deponents have been informed and believe and these deponents further joyntly and severally say that the said Swamp hath for many years past and ever since these deponents knowledge thereof been constantly filled with standing water for which there is no natural vent and the said Swamp being very narrow and very long, and being covered with Breaks and Bushes and small trees is by the Stagnation and rotteness of its said water become exceedingly dangerous

and of very pernicious consequence to such of the Inhabitants of the said City of New York, who live near the said Swamp they being subject to very many deceases and distempers which by the Physicians there and by long experience are imputed to those unwholesome vapours occasioned thereby, and this Deponent Moses Buchanan for himself sayth that he having been at New York from on or about the fifteenth day of April One Thousand seven hundred and Twenty seven to July last he had several of the Inhabitants of the said City, who lived in that part thereof bordering on the said Swamp under his this Dep^{ts} cure for agues and fevers which to the best of this Dep^{ts} judgement and beliefe were occasioned by the unwholesome Damps and vapours arising from the said Swamp which this Deponent is the rather induced to believe all other parts of the said City being much more healthy and the inhabitants thereof free from such disorders, and all these deponents joyntly and severally further say that the said Swamp is so much on a level with Hudson's River and the South River which are the next adjoyning Rivers on each side of the said Swamp that on the spring or other high tide, when the said Rivers overflow they run into and cover the said Swamp so as to meet one another and the Said Hudson's River in that part of it which is opposite to the said Swamp is about a mile and a half wide and about nine fathoms deep and there are about one hundred and fifty yards of land lying between such Swamp and the said River, and the said South River is about a mile wide and about eight fathoms deep and there are three hundred yards and upwards of land between the said swamp and the said South River one of which necks of land must in the Judgement and beliefe of those deponents be cut through before the said swamp can be cleansed and drained and the compleating, which as these Deponents verily believe would be a work of much time and attended with a very great expence, and all these Deponents joyntly and severally say, that the said Swamp can be of no benefit to any person in the judgement and beliefe of these Deponents until the same is cleared and drayned, it being till then, in these Deponents Judgement and beliefe uncapable of any improvement or cultivation it being now and having for many years past been and ever since these Dep^{ts} knowledge thereof a prejudice and annoyance to the adjacent Farms as well as to the inhabitants of that part of the said City which adjoyns to it and all these Dept^{s} further say that no one in the memory or to the knowledge of these Dep^{ts} hath ever attempted to drain the said Swamp and that unless the same be cleared it must remain a Pest and publick Nuzance for the time to come as it hath hitherto done—and these Dep^{ts} further severally say, that, that part of the said City of New York or of the suburbs thereof is now extended within one hundred yards or thereabouts off the border of the said Swamp, and that the same continuing in the condition it now is, may very prejudicially affect the Labouring men who live in that part of the Town bordering upon this Swamp, and none but poor labouring people will take houses in this part of the Town and that many of the houses there stand untenanted and such poor labourers who do live there loose great part of their time in sickness which these Depo^{ts} apprehend to proceed from the unwholesome air occasioned by such swamp and these Dep^{ts} say that the said Swamp is guarded by a Raile as to such Grounds in which any Cattle are grazed and in order to keep the Cattle from being Swamped or destroyed in the said Swamp, which, was it not for such Raile or some other fence to keep them from the said Swamp they certainly would be.

Geo: Montgomerie
Tho: Wildman.
M^{es} Buchanan.

Omnes Jur: 21. Dec^{ris} 1730. Coram me
J. Bennett

Order in Council referring Captain Rutgers' Petition to the Lords of Trade.

[New-York Papers, Dd., 138.]

At the Court at S^{t} James's the 28th day of January 1730.

PRESENT—The KINGS MOST EXCELLENT MAJESTY in Council.

Upon reading this day at the Board the humble Petition of Anthony Rutgers of the City of N. York in America, Merchant, praying for the reasons therein contained, that His Majesty would be graciously pleased by his Royal leave and License to empower his Maj$^{ty's}$ present Governour of the province of New York to grant the fee simple and inheritance of a Tract of Land containing about seventy acres called the Swamp, to the Petitioner his heirs and Assignes under the reservation of such moderate Quit Rents as shall be thought proper— It is ordered by His Majesty in Council, that the said petition (a copy whereof is hereunto annexed) be and it is hereby referred to the Lords Commiss^{rs} for Trade and Plantations to examine into the same and Report to his Majesty at this Board what they conceive proper to be done therein—

TEMPLE STANYAN

The Lords of Trade to the Duke of Newcastle.

[New-York Entries, B. L., 169.]

To His Grace the Duke of Newcastle.

My Lord.

We take leave to send your Grace an extract of a letter we have lately received from Coll: Montgomerie, his Maj$^{ty's}$ Gov^{r} of New York and New Jersey, in relation to a Trading house intended to be erected by the French in the Country of the Sennekees, one of the Five Nations of Indians bordering upon New York. We likewise send your Grace copies of the proceedings of Commiss^{rs} for Indian Affairs upon this subject.

As Your Grace will be very fully appris'd of what consequence this is of, and of the arts used by the French to withdraw the affections of these Nations from the English, contrary to the intent of the 15th article of the Treaty of Utrecht, We need not trouble Your Grace with any addition thereto, except that the same consequences, are to be apprehended from this new French trading house, as have really happened from that erected some years ago at Niagara, which is now converted into a Fort, by which the French have gained a possession in that place.

As we are apprehensive of what has happened with respect to Niagara, so in several of our representations and letters, to the Lord Carteret, whilst he was secretary of State; We gave an account of this matter and of the consequences we apprehended might result from it; but the French have now taken the very same steps in a country to which, they have not the colour of any title, and should they be permitted to go on, might be of very fatal consequence

to our Indian Nations, who, it is much to be feared, might thereby be drawn from their allegiance to His Majesty, whereby his Northern Colonies on the continent, would, as Mr Montgomerie observes, loose their strongest barrier. We therefore thought it our duty to acquaint Your Grace with this matter, that you may lay the same before his Majesty, for his orders thereon.

We are. My Lord.

Your Grace's most obedient
and most humble servants.

WESTMORLAND
P. DOEMINIQUE
T. PELHAM
M. BLADEN.
E. ASHE.
O. BRIDGEMAN
J. BRUDENALL.

Whitehall.
June 9th 1731.

Governor Montgomerie to the Duke of Newcastle.

[New-York (S. P. O.), VIII., 81.]

New York June 20 1731.

My Lord,

I have not had till now an opportunity of doing myself the honour to acknowledge the receipt of your Grace's letter of September 25th 1730, relating to the losses and damages sustained by His Majesty's subjects from pyratical proceedings.[1] I shall punctually obey your Grace's instructions, and have communicated your order to the Judge of the Admiralty Court here, and to the other Officers in my government who are concerned in seeing it put in execution: and I shall from time to time give your Grace an account of their proceedings.

Robert Walters Esqr one of His Majesties Council in the Province of New York is dead, I earnestly beg your Grace will recommend Henry Lane Esqr to His Majesty, as the properest person to be appointed in his place. He is a gentleman who has resided, and caried on a considerable trade here upwards of twenty years, he has always had the character of an honest man, of good sense, and thoroughly well affected to His Majesty and the Protestant succession.

There is also a vacancy in His Majesties Council in the Province of New Jersey, John Hugg, being dead: I beg your Grace will recommend Doctor John Rodman to succeed him. He is well affected to the Government, a man of sense, very much esteem'd, and has a good estate in the Province.

I am just returned from meeting the Six Indian Nations at Albany: I assure your Grace with great satisfaction, that I found them sincerely attached to the Interest of Great Britain; and by the next opportunity, I shall send you Grace a particular account of our conferences.

[1] For this letter, see *New-York Council Minutes*, XVI., 81. — ED.

The packets that come with this, were lately sent me by a courier from the Governour of Canada: I would not take upon me to send them directly to the Count de Broglio, but to Your Grace, who may dispose of them as you think fit.

I am with the greatest respect
My Lord
Your Grace's most obedient and
most humble servant

His Grace the Duke of Newcastle. (Signed) J. MONTGOMERIE

Governor Montgomerie to the Lords of Trade.

[New-York Papers, Bundle Ee., 1.]

My Lords,

In my last letters to Your Lord^{pps} which were sent by Capt^{n} Downing in the Alexander, I gave you a particular account of the Affairs, both of New York and New Jersey; I have not troubled Your Lord$^{pp's}$ with the duplicates, because before I had an opportunity to send them, I had an account from London that my first letters were safely delivered.

I long with great impatience for Your Lord^{pps} answer to these letters, for till I have Your instructions how to act in relation to the support of the Garrison at Oswego, I cannot meet the Assembly of New York, nor can I with any probable hopes of a good event meet the Assembly of New Jersey, till I know the fate of the Bills that now lye before Your Lordships.

I take this opportunity of acquainting Your Lord^{pps}, that Robert Walters Esq^{re} one of his Majesty's Council in the province of New York is dead; I earnestly beg Your Lord^{pps} will commend Henry Lane Esq^{re} to his Majesty as the properest person to be appointed in his place; he is a Gentleman who has resided, and carried on a considerable Trade here, upwards of Twenty years; he has always had the Character of an honest man, of good sense, and thoroughly well affected to His Majesty and the protestant succession. Perhaps some of Your Lord^{pps} may know him, he being son to Sir Thomas Lane who was Lord Mayor of London, soon after the Revolution.

There is also a vacancy in his Majesty's Councill of the province of New Jersey, John Hugg being dead, I beg Your Lord^{pps} will recommend to His Majesty Doctor John Rodman to succeed him; he is well affected to the Government, a man of sense, very much esteemed, and has a good estate in the province.

I am just returned from meeting the six Indian Nations a Albany; I assure Your Lord^{pps} with great satisfaction, that I found them sincerely attached to the interest of Great Brittain, and by the next opportunity I shall send your Lord^{pps} a particular account of our conferences. I am with great respect.

My Lords,
Your Lord^{pps} most obedient
and most humble servant

New York, 20. June 1731. (signed) J. MONTGOMERIE.

Secretary Popple to Governor Montgomerie.

[New-York Entries, B. L., 171.]

To Coll: Montgomerie Gov^{r} of New York.

Sir,

With the inclosed duplicates to my circular letters to you of the 10th inst: upon an address of the House of Commons, relating to the state of the Plantations, with respect to any Laws made, Manufactures set up and trade carryed on there, which may affect the Trade, Navigation, & Manufactures of this Kingdom, I take the liberty of sending to you the two packets, which you will herewith receive, for the respective Gov^{rs} of Connecticut and Rhode Island, and to desire the favour of you to get them delivered by some safe hand. Those Proprietory Govern^{ts} have long since been required to transmit hither Authentick Copies of their Laws, which their former Gov^{rs} have promised some years ago, tho' such copies have not been received here; but as M^{r} Talcot, the Gov^{r} of Connecticut, writ in his letter which accompanyed their answers to the general Queries sent them last year: "that their Assembly "were ready to inform the Board in those matters, and in every other thing that My Lords "Commiss^{rs} for Trade might judge for his Maj$^{ty's}$ interest," I am not without hopes of complyance from that quarter, tho' in relation to Rhode Island, know not what to think, since they have not vouchsafed any answer to the general queries abovementioned, which their agent here forwarded to them. I presume, the Laws, both of Connecticut and Rhode Island are printed there, and in case they be so, I shall be much obliged to you, for as compleat a set as you can get, of the Laws of each of those Govern^{ts} by the first opportunity, the charge of which shall be reimbursed to your order here. I am—Sir ettc.

A. P.

Whitehall
June 30th 1731.

President Van Dam to the Lords of Trade.

[New-York Papers, Bundle Dd., 151.]

New York 1. July 1731.

My Lords,

I thought it my duty with all speed to acquaint Your Lord^{pps} with the death of our late Governour John Montgomerie Esq: who departed this life last night. And that until further orders from his Majestie, the Govern^{t} of this Colony is devolved upon mee as the first of his Majesties Council here, assuring Your Lord^{pps} that to the utmost of my power I shall with all faithfulness discharge my duty therein till his Majesties orders shall arrive; and that I am with all dutyfull respect

My Lords,
Your Lord^{pps} most humble
obedient servant.

The Lords Commiss^{rs} for Trade & foreign Plantations. (signed) Rip van Dam

Lords of Trade to Governor Montgomerie.

[New-York Entries, L., 172.]

To Coll: Montgomerie.

Sir,

Since our letter to you of the 24th of April 1730, we have received your's dated at New York the 22nd of May and 21st of December last, with the Acts and other publick papers you therein mention to be inclosed, together with the Old seal of New York.

We have considered what you write concerning the Trading House at Oswego, and have been attended by several New York Merchants upon that subject, with whom we have discoursed upon the several methods, you have laid before us for supporting the same.

They apprehend that a duty payable at Albany upon the Furs when first brought from the Indians, might be a very proper fund for defraying this charge, but as this is different from any of the proposals made by you, and as we are doubtful whether it may be effectual for that purpose, we are rather inclined to a duty by way of Licence upon all such persons as shall be concerned in the Indian Trade, giving free liberty to any one upon paying the said License duty, to Trade with the Indians, and as the money arising hereby, must entirely be appropriated to the service of the said Trading house, you will do well to take care, that no greater imposition be laid on the Traders for Licenses, than is sufficient for this service.

But we cannot help being surprised that the Assembly of New York, should think the Province so little concerned, in the success of this settlement at Oswego, as not to contribute chearfully to the support of it, without throwing the Burthen entirely upon the Trade.

As the Act to be passed for this purpose, will be an imposition on the Fur Trade; it will be prudent in you to insert the suspending clause, before you give your consent thereto; and as it will naturally require some time, before His Majty can signify his approbation thereof, we hope the Assembly will not be against continuing their present provision for the said Trading house, until such time as His Majty's pleasure concerning the proposed act can be sent to New York.

We have considered all that you have urged in your several letters about the paper currency in New Jersey, for breaking in upon the Interest; but, we must observe to you, that had not the Assembly inserted so many prudent and cautious provisions, in the Act which created 40,000£ in paper currency, both, for sinking the Bills, and for preventing deficiencies, we would have immediately laid that Act before his Majty to be repealed; and as it was upon the faith of these provisions, which we judged effectual, that we have let the Act lye by, it is not to be imagined, We can give up any one of them, and no prejudice can happen to the Province if these Bills, by the due application of the Interest, should be sunk in less time than that allowed by the Act for their currency.

As to what you mention concerning the presence of the Assembly being requisite at the sinking of these Interest Bills, wherein, they refuse to assist, and that therefore they must lye useless in the Treasurer's hands, till the Act expires; it is an inconvenience that arises from their disobedience to a provision in the Law, and they must be answerable for the consequence.

Having therefore often desired you would propose to the Assembly the passing an Act to repeal that entituled: "An act for appropriating a part of the Interest mony paid into the "Treasury by virtue of a Law of this Province, to the incidental charges of this Govern^{t}, and

"for subjecting the residue to future appropriations." As we find the Assembly do not think proper to comply therewith, we have laid this last Act before His Majᵗʸ for his disallowance.

The act last past for creating 20,000£. more in paper Bills, now lies before Mʳ Fane, one of His Majᵗʸˢ Council, for his opinion thereupon in point of Law, and as the same can not take place without His Majᵗʸˢ Royal confirmation, we shall have reason to be cautious, how we lay that Act before his Majesty for that purpose; considering how ready your Assembly are, to break into their own appropriations. So we bid you heartily farewell. and are Your very loving friends.

and humble servants

T. Pelham.
M. Bladen
J. Brudenell.

Whitehall.
July the 21ˢᵗ 1731.

President Van Dam to the Duke of Newcastle.

[New-York Papers (S. P. O.), VIII., 84.]

New York. 11 Sept. 1731.

My Lord,

On the First of July last past by way of Boston and Bristol I gave myself the honour to acquaint your Grace with the death of our late Governoʳ and that thereby the Government of this Province was by virtue of His Majesties Commission and Instructions devolved upon mee as the First of His Majesties Councill which advise I doubt not is before yoʳ Lordship before this time.

And I having considered the state and condicôn of this Province by and with the advice of His Majesties Councill thought it highly necessary to cause the Generall Assembly to meet by reason of their having their Last Sessions made a Representacôn to His Majestie Concerning the maintainance of the Trading howse at Oswego and on which his Royall pleasure is not yet signified and finding that no provision was made for that purpose for the ensuing year I humbly thought it my duty to endeavour to get a supply for the same.

They had allso voted the last sessions that they would in their next take into consideracôn the building of a New Fort at Albany.

And the Act for settling the Militia being shortly to expire and that an Act was necessary for farming the Excise which allso would soon expire by its own limitation and which must be renewed every year.

These reasons My Lord I thought so pressing that I conceived it would have been a want in my duty if I did not endeavour to have those matters provided for.

I therefore at the opening of the Sessions made the enclosed speech to them and they are yet actually sitting and by their votes allso enclosed your Grace will perceive that they have taken in their consideracôn the supply of Oswego but have referred the building of the Fort till another Sessions, the small pox raging in the Province especially in this City so that many Members are absent which is one of the reasons that the affair of the Fort at Albany is not proceeded in and which will likewise induce mee as soon as the most necessary Acts are passed to adjourn them for some time.

I flatter myself that I act herein acôrding to my Duty for His Majesties service and that these my mean endeavours may obtain yo^{r} Grace's approbation assuring your Lordship that I shall to the utmost of my power preserve the Peace and Tranquillity of the Province now under my care untill His Majesties further orders or the arrivall of a Governour.

I am my Lord with profound respect,

My Lord

Yo^{r} Grace's most obedient humble servant

His Grace the Duke of New Castle. (signed) Rip. Van. Dam.

President Van Dam to the Lords of Trade.

[New-York Papers, Bundle Ee., 2.]

My Lords,

I hope the accompt I transmitted to Your Lord^{pps} by the way of Boston and Bristoll on the 1st of July last of the death of our Late Gov^{r} Coll: Montgomerie being the next day after his decease, has been laid before your Lord^{pps}, and as by the death of his Excell^{cy} the Administration of the Govern^{t} of this Province devolved on mee as President of his Majesties Council, I thought it incumbent upon mee to take all possible care for the preservation of the peace thereof, and finding that the fund for maintaining the howse at Oswego was determined, and that as yet no answer was come on the Representation made concerning that affair to His Majestie last year, I humbly thought it my duty to maintain that post and endeavour to have it supplyed, and that the Militia Act was near expiring and that there would be wanting this fall an Act for farming the Excise which must be renewed every year, and that the General Assembly had in their last Sessions voted the building of a new Fort at Albany. These reasons prevailed upon mee with the Advice of the Council, to cause the general Assembly to meet (and who are now actually sitting), at the opening of the Sessions I made the enclosed speech to them, and by their votes (also enclosed) Your Lord^{pps} will perceive that the affair of Oswego is under their consideration, and I doubt not but they'll also take care for the Militia Act, and that for farming the Excise, but have declined to proceed in the building of a Fort at Albany and referred it to the next Sessions.

There is but a slender appearance of Members in the howse by reason of the Small pox which rage in the province, especially in the City which terrifies the rest, even some of those that mett in the beginning of the Session, are returned home, and it makes often a difficulty to have a compleat number of Councellors to Act with, all which will oblidge mee to shorten the Sessions, and as soon as the most necessary Acts are passed to adjourn them. Assuring Your Lord^{pps} that my endevours shall not be wanting to preserve the peace and tranquility of the Province, until the arrival of a New Governour, or his Maj$^{ty's}$ further directions, humbly hoping that these my mean endevours will not be altogether unacceptable to Your Lord^{pps} but bee favourably represented to his Majestie which is the most humble request of

My Lords,

Your Lord^{pps} most humble obedient servant

New York, 11 Sept^{r} 1731. (signed). Rip. Van: Dam.

President Van Dam to Secretary Popple.

[New-York Papers, Bundle Dd., 152.]

New York. 29. Oct. 1731.

Sir,

Since the decease of our late Governour Colonel Montgomerie, I had the honour of your's directed to his late Excellency of the 24th of Febr^{y} last past, with the enclosed copy of the Attorney & Solicitor General's opinion concerning the Levying of fines in England to cut of an entail in this Province, as the same relates to Judicial proceedings—I'll communicate the same to the Judges here and such other persons as may be therein concerned for their regulation in such affairs.

I have also Yours of the 10th of June last ordering me to give you an account of what lawes are made here or Trade carried on or manufactures set up that may affect the Trade Navigation or Manufactures of Great Brittain, I laid the same before his Majesties Council who were of opinion that I must singly make an answer thereunto, and therefore I entreat you humbly to inform their Lord^{pps} that I do not know of any Laws made here or any Manufactures set up that may affect the Manufactures of Great Brittain; and as to what relates the Trade and Navigation of this Province their Lord^{pps} will be fully and particularly informed by the Address of the General Assembly to his Majestie which is transmitted by this same conveyance, whereby I hope their Lord^{pps} will be satisfied that our Trade and Navigation is not detrimental but advantageous to our Mother Kingdom.

I am further honoured with Your's of the 30th of June last past, with the enclosed packetts for the Governours of Rhoad Island and Connecticutt, upon the receipt whereof I sent them as directed p^{r} the first post and finding no printed copies of their Laws here, I desired them respectively to send mee them in order to be transmitted unto you, offering to pay the charge thereof, but till this day I have had no answer so that it has not yeet been in my power to comply with your desire in this particular—

I remain with unfeigned Respect
Sir.
Your humble obedient Servant.
(signed). Rip van Dam.

President Van Dam to the Lords of Trade.

[New-York Papers, Bundle Dd., 153.]

New York, 2^{d} November 1731.

May it please Your Lord^{pps}.

On the 11th of Sept^{r} last by Capt^{n} Bryant I humbly took the liberty to acquaint Your Lord^{pps} that the Assembly of this province was then sitting, together with the Reasons I had to call them together to make such Lawes as were of absolute necessity for the present circumstances of this province as appears by the Duplicates inclosed.

And they having ended their session on the 30th of the said month, I would not bee wanting my duty but by this first opportunity to inform Your Lord^{pps} of their proceedings as will

appear by their votes and the Acts passed herewith transmitted to Your Lordpps together with the minutes of the Council, In all which I have endevoured to the utmost of my power to promote his Majesties interest and the safety of his subjects in these parts and the observing as near as possible the contents of his Majesties Royal Instructions.

The Acts passed in their Sessions are:

1st An Act to support the Troops at Oswego, and to regulate the Indian Furr Trade.

The obtaining of a supply for the maintenance of that place was one of the chief reasons for which I caused the Assembly to meet there being at that time no answer to the representation made by the Assembly to his Majestie relating to that affair and if no provision were made for another year that howse would have inevitably fallen to destruction, and the Assembly (as appears by the preamble of the Act) having had sundry letters from London from the Merchants trading to this province to whom their representation had been communicated by Your Lordpps it was thought necessary for the present that the laying a duty on the Trade there was the most proper meanes to supply that place for another year in expectation of his Majesties further directions concerning the same, which moved me to give my consent to the said Act humbly hoping the same will not displease Your Lordpps since it is only to continue for a short time and provided a seasonable supply.

Since the Assembly was up on the 28th of October last, I had the honour of receiving Your Lordpps of the 21st of July last past directed to his late Excellcy and thereby find it would not be disagreable to Your Lordpps if the Assembly here continued their present provision for the said trading howse until such time as his Majestie's pleasure concerning the proposed Act should be signified. The Assembly being up at the time of the receipt of the said letter and adjourned to the second Tuesday in December next (which will not be a proper time for them to meet because the Rivers by which near a third part of the members must come to this place are then frozen up), I could not lay it before them, but the same gives me hopes that what supply I have obtained for the maintainance of that place although not altogether according to Your Lordpps directions yet so as the Assembly concluded it at by the information they had of the London Merchants abovementioned, would not be entirely disagreable to Your Lordpps

2nd An Act to impower Samuel Baker and others to employ proper persons for the service of this Colony at the Court or Parliament of Great Brittain.

My Lords, the reasons I had for the passing of this Act are expressed in the preamble thereof and I was, and am fully assured of the truth of the contents thereof; wherefore I could not refuse to join in the address to his Majestie in the Act mentioned, and now all so transmitted to Your Lordpps, for it must be manifestly apparent to all unbyassed persons that if such an Act of Parliament as the Sugar Colonies solicited the last Sessions should pass, it would in a short time prove the ruin of all the Inhabitants of this continent and entirely impoverish them, and thereby hurt the Manufacture of Great Brittain and disenable the inhabitants of this Colony from sending yearly a considerable sum of cash for Great Brittain, besides all the other useful commodities for the market of England which they now supply it with and in case of a War with the French (which God forbid) this Colony would by reason of the poor condition it would be reduced to become wholly unable to defend itself and become a certain prey to the Ennemy, more especially since the French have already encroached and Built a Fort at a place called Crown point from whence they may in three days march to Albany of which attempt I shall hereinafter give a more particular account to

Your Lord^{pps}. I must therefore humbly request your Lord^{pps} favourably to represent the condition of this Province to our most Gracious Sovereing, that no such Act may pass whereby many thousand of his good subjects would be ruined and made slaves to the Sugar Colonies and which might at last for the reasons aforesaid end in the entire destruction of this Colony.

3. An Act for the further continuance of an Act entituled, an Act for the settling and regulating the Militia in this province and making the same usefull for the security and defence thereof and for Repealing all other Acts relating to the same during the time therein mentioned.

This being only an Act to continue one that was near expiring, I shall not detain your Lord^{pps} with any particular reason I had for passing the same having therein only followed the examples I had before me.

4. An Act for fortifying the City of Albany.

I did in my last inform Your Lord^{pps} that the Assembly by reason of the small pox being very violent and mortal in this Province was not very numerous and that therefore they had for the present put of the building of a new fort at Albany, yet the Corporation of that City considering that they were in a very defencless condition, and that if a new Fort should be erected there, it would nevertheless be necessary to fortify the City, and seing that the Fort could not now be built, they earnestly solicited this Act that they might make a beginning to fortifie the City which request I thought very reasonable not thinking it necessary to refuse them to fortifie their City because the Fort could not now be made but rather that the Fortifying the City being as necessary as the Fort would, in the mean while prove some security for the Fronteers until the other can be accomplished, so that I humbly hope your Lord^{pps} will look upon that Act as of immediate service for this Colony.

5. An Act to continue an Act, entituled An Act to prevent Damages by swine in the precincts of Tappan and some other parts contigous thereto in the County of Orange.

This being only to continue an act that was near expiring and wherein I only followed the examples sett me, and is very necessary for those parts; I could not refuse to Assent to it.

6. An Act to provide able Pilots and to establish their Pilotage between Sandy Hook and the Port of New York.

Being also the Renewing of a former Act for that purpose and which was expired, and seemed reasonable to me to be renewed, I assented to the same.

7. An Act to explain part of an Act, entituled, an Act to repeal some parts and to continue and enforce other parts of the Act therein mentioned and for granting several duties to His Majestie for supporting his Govern^{t} in the Colony of New York from the 1st day of September 1728. until the 1st day of Sept^{r} which will be in the year 1733.

The reason I had My Lords for the passing of this Act, I humbly beg leave to explain, and were these: a Ship belonging to this Colony with a considerable number of Negroes on Board her, in her voyage from Africa, touched at Antegua to purchase some provisions and Refreshments but landed none of her Slaves there, and then came to the Province of New Jersey, where there is no duty paid for any Slaves imported, but the owner of the vessel being desirious to import the greatest part of them into this province, if he might be allowed to pay only the duty of five ounces of plate for every head, which seemed to be a doubt in the Act for the settling the Revenue above mentioned being, it was said the ship did not come directly from Africa altho' the intention of the Legislature in that former Act was only to encourage the African Trade and so laid a double duty on slaves imported here from the West Indies, which are generally Refuse and very badd and could hardly be applicable to such slaves coming

from Africa and had been nowhere landed although the ship had stop't at some other Port for refreshment before she arrived here; I therefore considered that if I did not pass that Law, none of the Slaves would have been brought hither which would have been a considerable loss to the Revenue and might have encouraged the bringing them in clandestinely, whereby the duty would have been defrauded; so that nothing but these considerations made me consent to that Law.

8. An Act for the continuing an Act, entituled, an Act to farm the excise of stron[g] Liquors Rot oiled in this Colony for the time therein limited and for declaring shrub liable to the same duty as distilled liquors:—

This being an Act Renewed every year because the Excise is only let for one year, so I could not disagree to it.

9th An Act to enlarge and release Andrew Law Junr upon surrendring his estate in the manner and for the use therein mentioned.

The condition of the said Andrew Law was thus: he having been Collector of one of the Wards of this City and had received the sumes of money for Taxes in the Act mentioned but not paid them to the Treasurer of this Colony, and had for some time absented himself out of this Province, but after his return was arrested by the Treasurer and imprisoned, whereby it was feared he would have there spent what he had left and thereby the whole would have been lost, when by the passing of this Act and the surrender of his Estate therein mentioned part might be saved so that upon this head I was perswaded to consent thereto.

Having now laid before Your Lordpps the reasons and motives I had to pass the Lawes above mentioned I humbly hope Your Lordpps will be perswaded that I therein acted to the best of my Judgement and the advice of his Majesties Council here for his Majesties service and the present necessitie of the province and that Your Lordpps will be favourably pleased to represent the same to the King's Majestie accordingly, and that these my mean endevours for his Majesties service may not be intirely disapproved of by Your Lordpps.

My Lords, I am further, according to my duty to acquaint Your Lordpps that the French do continually encroach on this province and have lately settled a Fort on the Crown point from whence they may in three days march to Albany. I received this information from the Commissioners for the Indian Affairs at Albany and communicated the same to the Assembly (as appears by their votes Fol: 19 and 20), who addresst me to lay the same before his Majestie and also to give notice thereof to the neighbouring Governts, which to them I did immediately and by this first opportunity to Your Lordpps; and it is my humble opinion that if no care be taken they will yet further encroach from time to time and in case of a War might prove fatal, and now in time of peace, it is the only meanes they have to draw the Indians from us, ruine our trade and secure all to themselves, and until the limitts be settled between the two Crowns, actions of this nature will happen every day, and will always be to their advantage and our detriment, because they have a great number of people that runn amongst the Indians and are much like them and so agree better with the Indians than our more Civilized Inhabitants can do; besides the continual infatuations of their Priests amongst Indians who are taken with the outward pomp of Religion makes a greater number of proselytes that it is possible for us to do; and therefore I most humbly beg Your Lordpps to lay this before his Majestie that the limitts between the two Nations may be settled and a freedom of trade with the Indians bee reserved to his Majtie's subjects, and that such late encroachments be removed, which in time of Warr for the reasons aforesaid will most certainly prove the ruin of many of his Majestie's good subjects of this and the neighbouring Colonies.

I also transmit to Your Lord^{pps} a list of the Vessells trading to and from this Colony from the 26th of March 1731. till the 30th Sept^{r} last under the hand of the Navall Officer.

As also a list of the Inhabitants of this Province as settled in ten Countyes together with an abstract thereof; but since the taking of said list I believe neer eight hundred are lost by the small pox, and daily more dying.

Herewith goes also a list of the Stores in his Maj^{ties} Fort George as left by the late Governour which are in a very miserable condition; the powder all damnified so that in case of a Warr no defence can be made with the same. I would therefore humbly entreat Your Lord^{pps} that a supply might be sent of that and all other Stores of Warr for that Garrison, the bad condition of what is there now Your Lord^{pps} will easily perceive by the list thereof and of which Your Lord^{pps} will be the best Judges.

I observed in Your Lord^{pps} letter of the 21st of June last sundry directions relating to the Prov^{ce} of New Jersey which I have coppied out myself and sent the same to the President of the Councill of that Province for his Government.

And now My Lords I have given Your Lord^{pps} the most particular account I could of the present circumstances of this Province which I hope may be satisfactory, assuring Your Lord^{pps} that your approbation thereof and the delivery of my comand of the same to His Maj^{ties} Capt^{n} Gen^{l} at his happy arrival in the same peaceable condition I received the same at his late Excell^{cy}'s death, would be the greatest honour, that can be expected by

My Lords,

Your Lord^{pps} most obedient
humble servant.

RIP VAN DAM,

Census of the Province of New-York. Anno 1731.

[New-York Papers, Bundle Dd., 155.]

Abstract of the Accounts of the number of Inhabitants of the several Cities and Counties in the Province of New York. 2. Nov^{r} 1731

CITTY & COUNTY.	SHERRIFFS.	White males above ten years ould	White females above ten years ould	White males under ten years ould	White female under ten years ould	Black Male above ten years ould	Bk females above ten years ould	Bk Males under ten years ould	Bk females under ten years ould
Ulster County	Mr John Wyncoop	990	914	577	515	321	196	124	91
Citty & County N. York.	" Henry Beckman	2628	2250	1143	1024	599	607	186	185
Suffolk County	" David Corrie	2144	1130	2845	955	239	83	196	88
Westchester County	" George Willet	1879	1701	1054	707	269	96	176	151
King's County	" Domenike vanderVeen	629	518	243	268	205	146	65	76
Duchess County	" William Squire	573	481	263	298	591	32	18	8
Queen's County	" Thomas Hicks	2239	2175	1178	1139	476	368	226	199
Richmond County	" Charles Garrison	428	571	263	256	111	98	51	44
Citty & County of Albany	" Gosen van Schaik	2481	1255	2352	1212	568	185	346	174
Orange County	" William Pullen	627	534	825	299	85	47	19	33
		14618.	11511.	10243.	6673	2930.	1858	1375.	1044.
Abstract of the above ten Citties and Countys		11511			43040				1875
		10243.			7202				1858
		6673.							2930
					In all 50242				
Whites in all.		43040	(signed) RIP VAN DAM.				Blacks in all		7202

President Van Dam to the Lords of Trade.

[New-York Papers, Bundle Dd., 157.]

My Lords,

On the second of Novr last pr Captn Dennis Downing, I did according to my duty transmit unto Your Lordpps the Laws past in our Assembly here in their last Sessions together with the reasons I had for consenting thereunto together with as particular an account of the present condition of the Province as I was able to give. All which I humbly hope is at present before Your Lordpps and if this ship had not departed sooner then was expected by reason of the Winter setting in very hard, I would have sent Duplicates of all of them but am now obliged to deferr the same to the next opportunity. The Province continues in a quiet and peaceable condition, still mightily afflicted with the Small pox tho' not so mortal as when I had the honour by my former to acquaint Your Lordpps herewith. I humbly hope very speedily to hear what Honourable person his Majestie has appointed Governour of this Province, and who I hope may in God's good time arrive safe amongst us. I shall add no more, but recommend myself to Your Lordpps favourable regards and remain with profound respect

My Lords,—Your Lordpps ettc.

N. Y. 29 Decr 1731 (signed) Rip. Van. Dam:

Duke of Newcastle to the Lords of Trade.

[New-York Papers, Bundle Dd., 156.]

My Lords,

His Majesty having been pleased to appoint Colonel William Cosby to be Governor of New York and New Jersey in America, in the room of John Montgomery Esqre deceased; I am to signify to Your Lordpps his Majesty's pleasure that you prepare Draughts of a Commission and Instructions for him, in order to be laid before his Majesty for His Approbation—

I am,

My Lords,

Your Lordships'

most humble servant

Whitehall 12 Janr 173½ (signed). Holles Newcastle.

Lords of Trade to President Van Dam.

[New-York Entries, B. L., 181.]

To Rip van Dam Esqre

Sir,

It appears to us by several letters from Genl Hunter when Govr of New York, that pursuant to the powers given to him, he did hold Courts of Chancery in that Province, for recovering

the arrears of Quit Rent due to His Majᵗʸ; but, Coll: Montgomery having acquainted us with some difficulties he met with in opinions there, with respect to holding that Court, we informed him in our letter of the 28ᵗʰ of May 1729. that he ought to hold Courts of Chancery, when there should be occasion, as former Govʳˢ had done. Notwithstanding which, the Receiver Genˡ of New York had acquainted the Auditor Genˡ here, that the said late Govʳ made an open declaration against having anything to do with the Chancery Court, and always declined concerning himself in any dispute about His Majᵗʸˢ Quit Rents; the said Receiver Genˡ hath also represented that you have likewise declined taking the oaths as Chancellor by which means among other inconveniencies many quit Rents remain in arrear, and, where His Majᵗʸˢ right is contested no remedy can otherwise be expected. We therefore give you notice of what is here complained of and advise you to hold Courts of Chancery as often as occasion shall require, and therein to inquire into, and examine the State of His Majᵗʸˢ Quit Rents in that province, and by all lawful ways and means to countenance His Majᵗʸˢ Officers in their endeavours to ascertain and recover the same.

We take this opportunity of acknowledging the receipt of your letters of the 1ˢᵗ of July 11ᵗʰ Septʳ 2ᵈ of Novʳ and 29 of Decʳ last, and of acquainting you that we have laid before His Majᵗʸ extracts of all you have wrote concerning the encroachments of the French, amongst our Indian Nations, so that we hope you may soon have your Majesty's directions upon that subject.

Our Secretary has laid before us the volume of Connecticut Laws which you transmitted to him; and we must return you thanks for your care in that particular; however, We must desire you will remind the Govʳ of Connecticut of his having promised to transmit to us, an authentick copy of the said Laws,

His Majesty having now appointed Coll: William Cosby Govʳ of New York and New Jersey, we are preparing the necessary instructions for him, and until he arrives in his Government, We shall expect from you an exact account of all Transactions in the provinces at present under your command. So we bid you heartily Farewell, and are, Your very loving friends

and humble servants

P. Doeminique
M. Bladen
T. Pelham
O. Bridgeman
Edʷ Ashe
J. Brudenell
Ar. Croft.

Whitehall
Febrʸ the 4ᵗʰ 173½.

Lords of Trade to the Duke of Newcastle.

[New-York Entries, B. L., 184.]

To his Grace the Duke of Newcastle.

My Lord,

Having in obedience to His Majᵗʸˢ Commands signifyed to us by your Grace's letter of the 12ᵗʰ of the last month, prepared the draught of a Commission for William Cosby Esqʳᵉ to be

his Majᵗʸ's Captⁿ Genˡ and Govʳ in Chief of the province of New York in America, in the room of John Montgomerie Esqʳᵉ deceased, we take leave to enclose the said draught to your Grace with our Representation thereupon, which you will be pleased to lay before His Majᵗʸ. We are,

My Lord, Your Grace's

most obedient and most humble servants.

P. Doeminique.
T. Pelham.
M. Bladen
E. Ashe.
O. Bridgeman.
J. Brudenell.
Ar. Croft.

Whitehall
Febrʸ the 4ᵗʰ 173½.

Lords of Trade to the King.

[New-York Entries, B. L., 184.]

To the King's most Excellent Majesty.

May it please your Majesty.

In obedience to Your Majᵗʸ's commands signified to us by a letter from His Grace the Duke of Newcastle dated the 12ᵗʰ of the last month, We have prepared the draught of a Commission from Coll: William Cosby to be your Majᵗʸ's Captⁿ General and Govʳ in chief of the province of New York in America in the room of John Montgomery Esqʳᵉ deceased, which being in the usual form, we herewith humbly lay the same before Your Majᵗʸ, and are preparing the necessary Instructions for the said Coll: Cosby for this Governᵗ with all possible dispatch.

Which is most humbly submitted.

P. Doeminique
T. Pelham.
M. Bladen.
E. Ashe.
O. Bridgeman
Ja. Brudenell
Ar. Croft.

Whitehall.
Febrʸ 4ᵗʰ 173½

Lords of Trade to the King.

[New-York Entries, B. L., 208.]

To the King's most Excellent Majesty.

May it please Your Majesty.

In obedience to your Majᵗʸ's Commands, signified to us by his Grace the Duke of Newcastle one of Your Majesty's principal Secretaries of State in his letter of the 23ʳᵈ of the last month,

we have reconsidered the several papers which have already been laid before Your Majᵗʸ, relating to the encroachments that the French are said to be making on the Colony of New York, and the danger which may result from thence to the Trade and security of that province.

We beg leave to acquaint Your Majesty upon this occasion, that the Crown of France having been always desirious to extend her dominions in America, has omitted no opportunity of encroaching upon her neighbour's there, and it has been frequent for the French to erect small Huts or Trading Houses, under pretence of carrying on their commerce with the Indians, which in a little time they have converted into Forts, and have afterwards set up an unjust claim to the property of the soil and the dominion of the circumjacent Countries.

It has been by these Artful and illicit means, added to their natural industry and the zeal of their Missionaries, that they have been able to draw over several Indian Nations, and to establish a communication between their territories on the continent of America, which lie on the back of the English settlements, from the entrance of the River Sᵗ Lawrence to the mouth of the Mississippi, which opens into the Bay of Mexico.

But with respect to the Fort which they are now said to have built at a place called the Crown Point, within three days march of the City of Albany, we beg leave humbly to offer our opinion to your Majᵗʸ that this is a manifest breach of the Treaties subsisting between the Two Crowns since this Fort is erected in the Country of Iroquois, commonly called by the name of the Five Nations or Cantons of Indians, who have had a very ancient dependance on the province of New York, and who by the 15ᵗʰ Art: of the Treaty of Utrecht are acknowledged without any reserve to be subjects to the dominion of great Brittain.

And therefore, altho' the French subjects should by any artifice have obtained permission from the five Nations to make the settlement in question, that permission without your Majᵗʸ's special allowance and confirmation must be invalid.

Wherefore, we would humbly propose that your Majᵗʸ's Ambassador at the French Court may be instructed, to insist in the most effectual manner that the Fort lately erected by the French at the Crown Point, within the limits of Your Majᵗʸ's province of New York, may be immediately demolished.

All which is most humbly submitted.

WESTMORLAND
P. DOEMINIQUE
MARTIN BLADEN
JA BRUDENELL
AR. CROFT.

Whitehall
Apr: the 6ᵗʰ 1732.

Lords of Trade to the Duke of Newcastle.

[New-York Entries, B. L., p. 211.]

To his Grace the Duke of Newcastle.

My Lord,

Having prepared the draughts of General Instructions and of those which particularly relate to the Acts of Trade and Navigation for Coll: Cosby appointed Govʳ of New York and New

Jersey, We take leave to inclose the same to your Grace, with our representation thereupon, in order to their being laid before His Majᵗʸ.

We are, My Lord.

Your Grace's most obedient and
most humble servants.

WESTMORLAND
P. DOEMINIQUE
M. BLADEN
O. BRIDGEMAN
JA BRUDENELL.

Whitehall
April the 28ᵗʰ 1732.

Lords of Trade to the King.

[New-York Entries, *B.* L., 211.]

To the KING'S MOST EXCELLENT MAJESTY.

May it please your Majesty.

In obedience to Your Majᵗʸ's commands signified to us by his Grace the Duke of Newcastles letter of the 12ᵗʰ of January last we have prepared the inclosed draughts of General Instructions and of those which relate to the Acts of Trade and Navigation, for Coll: Cosby whom Your Majesty has been pleased to appoint Govʳ of New York, in which we have made no alterations nor omissions from such general Instructions as your Majᵗʸ has already approved, to your other Govʳˢ in America, except in the following articles:

The Govʳ of New York having by his Commissⁿ the Command of the Militia in Connecticut, as Your Majesty's Govʳ of New England has of that in Rhode Island, in the 2ⁿᵈ Art: of these Instructions of Your Majᵗʸ's Govʳ of New England the following words, after the word "Meeting of our Council" vizᵗ: "and notification to be also given to our Colony of "Connecticut, of the power wherewith you are enstructed[1] concerning the Militia forces and "Forts within the said Colony"—

We have inserted the latter part of the 18ᵗʰ Article forbidding the imposition of any duties on British shipping or product, it having been prepared in pursuance of an order from the Lords of the Committee dated 3ʳᵈ of Febrʸ last.

We have omitted in this draught the 52ᵈ Art: of the Instructions given to Coll: Montgomerie the late Govʳ of this province, directing him to give encouragement to the Officers of the Admiralty and Customs; that article being better provided for in the article of the inclosed draught of Instructions relating to the Acts of Trade and Navigation.

The 106ᵗʰ Art: of the Instructions given to Coll: Montgomerie, directing him not to engage in any party, upon a supposition that the Province has heretofore been unhapily divided is now omitted, there having been no complaint of any division in that province since the year 1701, when this Instruction was first inserted.

There is one vacancy in the Council of this province by the death of Robᵗ Walters Esqʳᵉ, but we think it may be for Your Majᵗʸ's service that Coll: Cosby should have an opportunity upon his arrival of transmitting a list of persons proper to supply vacancies according to his

[1] Qu? entrusted.

Instructions, before a New Councillor is named, and the rather because the affairs of this province cant suffer for want of a Quorum, there being now eleven Councillors there.

All which is most humbly submitted.

WESTMORLAND
P. DOEMINIQUE
M. BLADEN.
O. BRIDGEMAN
JA. BRUDENELL.

Whitehall.
Apr: the 28th 1732.

Secretary Popple to President Van Dam.

[New-York Entries, B. L., 293.]

To Rip van Dam Esqre

Sir,

You have here inclosed a Duplicate of what my Lords Commissrs for Trade and Plantations writ to you of the fourth of Febry last and to our Secretary of the 29th of December, as Coll: Cosby is now upon his departure for his Governts of New York and New Jersey, I have only to acknowedge your's to me of the 29th of October and 29th of December and by their Lordpps order to acquaint you with their desire, that in case you have no answer from the Govr of Rhode Island to the letter for him, which you received in their Lordpps of the 30th of June last to the late Coll: Montgomerie, that you will endeavour to procure as authentic a collection as you can of the Law of Rhode Island and transmit the same to my Lords Commissrs by the first opportunity.

The several Acts passed at New York in Septr 1731. are now before one of His Majesty's Council for his opinion in point of Law, which the Board intend to take into consideration the first opportunity in order to their being laid before His Majty, particularly that relating to the Troops at Oswego—I am. ettc.

A. POPPLE.

4 May 1732.

Lords of Trade to Governor Cosby.

[New-York Entries, B. L., 294.]

To Coll: Cosby.

Sir,

We send you enclosed the extract of a letter from Captn Burington His Majtys Govr of North Carolina[1] bearing date the 4th of Septr last, by which you will find, that he apprehends

[1] GEORGE BURRINGTON succeeded Governor Eden, in 1723, having obtained the appointment because his father had been active in support of the government at the accession of George I.; but so many were the complaints against him, that he was superceded by the Proprietors in the following year, and on becoming a private subject, on the arrival of his successor, retired suddenly from the colony, to avoid prosecution and evade justice. Notwithstanding his indifferent character, and this disgrace, he was appointed Governor again in 1730, of North Carolina, on its acquisition by the Crown; but after an administration of only three years, he found it necessary to abdicate. He returned to England in 1734, and was found murdered one morning, in the Bird Cage Walk, in a corner of Saint James' Park, London. *Williamson's History of North Carolina*, II., 11–35.—ED.

the Indians of South Carolina intend to attack those of his Govern[t] who hope to be supported by a party of the Five Nations; and as an Indian war in any Part of His Maj[ty's] dominions on the continent of America, may be of fatal consequence to the British interest we must desire you will make use of your Influence with the Five Nations in order to put an end to this misunderstanding.

We have wrote by this occasion to Coll: Johnston and to Capt[n] Burrington, to use their endeavours to put an end to these misunderstandings. So we bid you heartily farewell, and are, your very loving friends, and humble servants.

P. Doeminique
T. Pelham
M. Bladen
Edw: Ashe
O. Bridgeman

Whitehall.
June the 21[st] 1732.

Governor Cosby to the Lords of Trade.

[New-York Papers, Bundle Ee., 40.]

My Lords,

I have the honour to acquaint Your Lord[pps] of my arrival to this place; the Assembly is now a sitting, so soon as they are upp, I will not faile by the first ship that goes for England to send all the Acts in order to be layd before you. I have just this moment received Your Lord[pp's] letter with a copy of Capt[n] Carrington's[1] inclosed, I will immediately write to the Commissioners for the Indian Affairs to consult with the Five Nations in order that they may interpose, and will do every thing that I can in that affair—I am My Lords with the greatest respect imaginable—

Your Lord[pps]

most obedient humble servant
W Cosby.

New York 18. Sept[r] 1732

Governor Cosby to the Duke of Newcastle.

[New-York (S. P. O.), VIII., 115.]

New York Oct[br] y[e] 26[th] 1732.

My Lord,

I have y[e] honour to aquainte your Grace that M[r] Smith Secretary of y[e] Jarsys dyed last Tuesday was seven[t] this is reckoned one of y[e] most considerable places belonging to these Provinces, & yett brings inn noe more then 450£*l* a year, supposeing that the possesor

[1] Burrington. — Ed.

it was to doe y^e^ duty himself, which y^e^ deseasd Gent^man^ never did notwithstanding he had it for above fifteen years, it was executed by two deputies, one for the East division and y^e^ other for West, the Secretary himself generally living at Philadelfia, so that y^e^ place was to him a sinecure. In this way the Deputys gave him suffitient security, that of y^e^ East paid him 80^ll^ a year, & that of y^e^ West payd him, 180^ll^. a year, which all in sterling money makes about, 170^ll^, I have a very good Caracter of the Deputys, therefore have continued them upon y^e^ same footing under my son Billy whom I have named, untill farther orders from your Grace, not doubting but that out of your wanted goodness and indulgent care of us your Grace will further be so kind as to give it to him; besides it will give me a little more power in that Province then I had which I doe assure your Grace is greatly wanting to Governers in these parts, for y^e^ Secretarys and their Deputys think themselves intirely independent of y^e^ Governers and allmost act accordingly which is a very great hindrance to y^e^ King's affairs, (I doe not spake as to myself for I make y^e^ right use of M^r^ Clarke he is my first minister) espetially at this time, since I am sorry to inform your Grace, that y^e^ example and spirit of the Boston people begins to spread amongst these Colonys In a most prodigious maner, I had more trouble to manige these people then I could have imagined, however for this time I have done pritty well with them; I wish I may come off as well with them of y^e^ Jarsys.

My Lord Augustus is with me, he is of all y^e^ young people that I have seen the most agreeable & unaffected with y^e^ finest notions of honesty and honour backed with a most excelant usefull understanding, and if I mistake not will turn out a very clever man. Grace[1] and the little family joyns in their humble service to your Grace and the Duches, I have sent My Lady Duc[hes] a live beaver, it will eat frute or roots of any kinde, it must be keept near y^e^ round or square ponds

I am My Lord
Your Grace most oblidged
and faithfull servant
W. Cosby

I beg my service to Miss Betty.

Governor Cosby to the Lords of Trade.

[New-York Papers, Bundle Ee., 8.]

New York. 18. Dec^r^ 1732.

My Lords,

I have the honour of Your Lord^pps^ letter before me of the 4^th^ Feb^ry^ 173½ to Rip van Dam Esq^re^ and shall not fail holding Courts of Chancery in this Province as often as occasion shall require and make strict search into and examine the State of His Majesty's Quit-Rents, and by all lawful ways and means to countenance his Majesty's Officers in their endevours to ascertain and recover the same.

I shall with pleasure expect his Majesty's directions concerning the encroachments of the French amongst our Indian Nations, as being an affair of great importance, for the security of

[1] Lady Cosby, daughter of Lord Halifax. — Ed.

the Trade and Inhabitants of this place, and shall take particular care that they shall be duly executed.

I have wrote to the Governour of Connecticut and have reminded him of his promise to transmitt to Your Lord^{pps} an authentick copy of the Laws of that Colony, but have not yet received his answer, as soon as it comes to hand shall give Your Lord^{pps} an account.

I acknowledge the receipt of Your Lord^{pps} to me of the 10th of June last, and in pursuance of His Maj$^{ty's}$ directions to Your Lord^{pps}'s Board have made the strictest enquiry in respect to Manufactures sett up, and Trade carryed on in this Province of New York and can discover none that may in any way affect or prejudice the Trade, Navigation and Manufactures of the Kingdom of Great Brittain; as to the Laws made here, I beg leave to refer Your Lord^{pps} to the Acts which I shall transmitt to Your Lord^{pps} so soon as they are engrossed which I fear I cannot have time to have done to send by this opportunity. The Inhabitants here are more lazy and unactive that the world generally supposes, and their manufacture extends no further then what is consumed in their own famillys, a few coarse Lindsey Woolseys for cloathing, and linen for their own wear; the hatt makeing trade here seemed to promise to make the greatest advances to the prejudice of Great Brittain, but that the Parliament having already taken into their consideration, needs no more mention, whatever new springs up that may in the least affect and prejudice the Trade or Navigation of Great Brittain shall be narrowly inspected and Annual returns of Your Lord^{pps} Querries constantly sent—In the mean time I have the honour to be with the greatest respect imaginable—My Lords,

Your Lord^{pps} most obedient
and most humble servant.
(signed). W Cosby.

Governor Cosby to the Lords of Trade.

[New-York Papers, Bundle Ee., 9.]

New York 18. Dec^{r} 1732.

My Lords,

Since my arrival to this place, I have made it my greatest pleasure as I know it is my duty to enquire strictly into every circumstance that may any ways contribute to the Honour of the British Nation, the good and safety of Trade in general and welfare of these Provinces which I have the honour to command; what principally occurs at present to trouble Your Lord^{pps} with, is an alteration and filling up some vacancies in the Councills, both, in this Province and the Province in the Jerseys, which I beg leave to recommend to Your Lord^{pps} consideration. In the Province of New York there is one vacancy by the death of M^{r} Robert Walters, which I pray Your Lord^{pps}, may be supplyed by Henry Lane Esq^{re} a Gentleman who was pitcht upon to be recommended to succeed him by the late Governour just before his death, and whom I find since my acquaintance with, in all respects qualifyed, if a plentifull fortune, good sence and Loyalty to His Majesty will render him acceptable.

There is also one M^{r} W^{m} Provoost who has sat long in Council here, and to whom I am so far from having any objection that I should be very sorry to part with him, were he not

to hope for Your Lord^{pps} favour to transferr him to the Council in the Jerseys, where there are four vancancys, into which province he and his family are lately removed and where his Estate and fortune lyes; in his room I pray Your Lord^{pps} would be so good to appoint Daniel Horsmander Esq^{re} a Gent^{ln} of unexceptionable merit, and one whose integrity and capacity I am well satisfyed, I can depend—But, there is one James Alexander who I found here both in the New York and Jersey Council, tho' very unfit to sit in either, or indeed to act in any other capacity, where his Maj$^{ty's}$ honour and interest are concerned, he is the only Man that has given me any uneasiness since my arrival, and during the President Van Dam's Administration sway'd him in every thing that was irregular and since has clog'd and perplexed every thing with difficulty's that related to the Crown. In short his known very bad character would be to long to trouble Your Lord^{pps} with particulars, and stuff'd with such a train of tricks and oppressions to gross for Your Lord^{pps} to hear; in his room I desire the favour of Joseph Warrell Esq^{re} one who was so well recommended to me by Lord Malpas before I left England that there is little more for me to say in his behalf, but that since my acquaintance with him, his behaviour has in every particular confirmed the character given by his Lord^{p} and one whom I can venture to answer for to Your Lord^{pps}. As to the other three vacancy's in New Jersey, I must beg your Lord^{pps} will excuse my recommendation of any one till I go there myself to meet the Assembly, which will be early in the Spring, being not well satisfied with those already spoke of to me and then will make the utmost enquiry, that I may be able to nominate proper persons to Your Lord^{pps}.

On the removal of M^{r} James Alexander, from the Council of New York Province, I heartily recommend Capt^{n} W^{m} Dick Esq^{re} one of the Capt^{ns} of the four independant Company's here, besides his personal merrit, I conceive it highly necessary with great submission, that a Gentleman of that station should have the honour of makeing one of the Council, especially in this Province, their assistance in the particular knowledge of Military affairs being very often wanted, and I know not of any one so capable as the Gentl^{mn} I last mentioned, I have had long experience of his good character, and he still retains wherever he is known.

I assure Your Lord^{pps} I have no other motives in recommending these Gentlemen but that I am well convinced as well by personal observation as the best information I can make myself Master of, that they are, every one, Men of probity, Loyalty, Great fortune and interest in the Country, and indeed every way qualifyed to serve their King and Country.

I must beg leave to observe to Your Lord^{pps} that the present vacancys (with the remove of M^{r} Alexander which I flatter myself Your Lord^{pps} will think necessary to be done) render the number of the Council in both Provinces very thin, and as many of them live very remote and some very old, 'tis with some difficulty I gett a Council to attend, to carry on the King's necessary affairs, so that I pray Your Lord^{pps} to indulge me with the first leisure in appointing the above Gentlemen, and shall with great pleasure wait your Lord^{pps} approbation by letter, as I shall the honour of all Your Lord^{pps} commands, being with the greatest respect imaginable—

Your Lord^{pps} most obedient
and most humble servant
(signed) W Cosby.

Governor Cosby to the Duke of Newcastle.

[New-York (S. P. O.), VIII., 116.]

New York Dec^{r} 18th 1732.

My Lord,

I could not before this time do myself the honour to transmitt to Your Grace a particular account of the affairs of these Provinces, now I have been here above four months, in which time I have made it my greatest pleasure as I know it is my Duty to enquire strictly into every circumstance that may any ways contribute to the honour of the Brittish Nation, the good and safety of Trade in Generall, and welfare of these Provinces, which by your Grace's goodness to me, I have the honour to command.

What principally occurs att present to trouble your Grace with, is an alteration and filling up some vacancys in the Councils both in the Provinces of New York and Jersey's, which I beg leave to reccomend to your Grace's Consideration.

In the Province of New York there is one Vacancy by the death of M^{r} Robert Walters which I pray your Grace may be supply'd by Henry Lane Esq^{r}, a Gentleman who was fix'd upon to be reccomended to succeed him by the late Governour just before his death, and whom I find since my acquaintance with him in all respects qualified, if a plentiful fortune, good sence, and loyalty to His Majesty, will render him acceptable.

There is also one M^{r} William Provoost who is one of the Council here, and to whom I am so far from having any objection, that I should be very sorry to part with him, were he not to hope for your Grace's favour to transfer him to the Council in the Jersey's where there are four vacancys, into which Province he and his Family are Lately removed, and where his estate and fortune lyes, in his room I pray that your Grace would be so good to appoint Daniell Horsmanden Esq^{r}: a gentleman of unaceptionable Merrit, and one whose capacity and integrity I am well sattisfyed I can depend, and who indeed was recommended to your Grace by M^{r} Perry one of the London Members, before I came here: But

There is one James Alexander who I found here both in New York & Jersey Councils, tho: very unfitt to sitt in either, or indeed to act in any other capacity where His Majesty's honour and interest are concerned, he is the only man that has given me any uneasiness since my arrival, and during the President Van Dams administration sway'd him in every thing that was irregular, and since has clog'd and perplex'd every thing with difficultys that related to the Crown, In that his known very bad character, would be to long to trouble your Grace with particulars, and stuff'd with such tricks and opressions too gross for your Grace to hear: in his room I desire the favour of your Grace, to apoint Joseph Warrell Esq^{r} one who was so well recomended to me by Lord Malpas, before I left England that there is little more for me to say in his behalf that since my acquaintance with him his behaviour has in every particular confirmed the Character given by his Lordship, and one whom I can venture to answer for to your Grace; as to the other three Vacancys in the Jerseys I must beg your Grace will excuse my recomendation of any one till I go their my self to meet the Assembly, which will be early in the spring, being not very well satisfied with those already spoke of to me, and than will make the utmost enquiry, that I may be able to nominate proper persons to your Grace;

On the removal of M^{r} James Alexander from the Council of New York Province I heartily recommend Cap^{t} William Dick Esq^{r} one of the Captains of the four independant Companies here, besides his personal merrit I conceive it highly necessary (with great Submission) that a Gentleman of that Station should have the honour of makeing on of the Council, especialy in this Province, their assistance in the particular knowledge of Military affairs being very

often wanted, and I know not any one so capable as the Gentleman I last mentioned, I have have had long experience of his good character and he still retains it wherever he is known, and has a good fortune in the Country & a favourite of my Lord Stanhope in Spain.

I can assure your Grace I have no other motives in recomending these gentlemen but that I am well convinced as well by personal observation, as the best information I can make my self master of, that they are every one of them men of Probity, Loyalty, Great Fortune and interest in the Country, and indeed every way qualified to serve their King & Country. I must beg leave to observe to your Grace that the present vacancys (with the remove of M^r^ Alexander which I flatter my self your Grace will think necessary to be done) render the number of Councellors in both Provinces very thin, and as many of them live very remote and some very old, tis with some difficulty I gett a Council to attend to carry on the Kings necessary affairs, So that I pray your Grace to indulge me with your first leisure in appointing the above gentlemen and shall with great pleasure wait your Graces approbation by letter, as I shall the honour of all your Grace's commands.

I have communicated this whole affair by a Copy of this letter, to the Board of Trade by this oppertunity, as also answered two of their Lordships Letters; one of the Fourth of Feb^y^ to Rip Van Dam Esq^r^ to that I answer'd I would not fail holding Courts of Chancery in this Province, as often as occasion requir'd, and that I would make strict search into and examine the state of His Majesty's Quit Rents, and by all lawfull ways and means to countenance his Majesty's Officers in their endeavours to ascertain and recover the same; And that I should with impatience expect His Majesty's directions concerning the encroachments of the French amongst the Indian Nations, as being an affair of great importance for the security of the trade and inhabitants of this Place.

That I had wrote to the Governour of Connecticut to remind him of his promise of sending authentick copies of the laws of that Colony but had not yet received his answer when I did would transmit it.

To the other letter of their Lordships to me of the 16^th^ of June last I answer'd that I had made the strictest enquiry in respect to manufactures sett up and trade carryed on in this Province and cou'd discover none that might in any way affect or prejudice the trade, navigation and manufactures of the Kingdom of Great Brittain, and that there were none, nor any laws pass'd that might any ways affect or prejudice the same, that I would transmitt the acts the first oppertunity after this ship, but they could not possibly be engross'd in time for this Vessle.

That the Inhabitants here are more lazy and unactive than the world generally supposes, and their manufactures extends no further than what is consumed in their own Family's, a few course Lindsey woolseys for cloathing, and linnen for their own wear, that punctual care shou'd be taken to transmit authentick accounts to their Lordships Queries and in pursuance of their directions. This is all my Lord att present that occurs to me therefore shant trouble your Grace further att this time more than to assure you that

I am My Lord with all y^e^ Gratitude
and respect Imaginable
your Graces most oblidgd
and faithfull
humble servant
(Signed) W Cosby

Since my finishing this letter I received the honour of your Graces commands of the 16^th^ of July last, your Grace may be assured I shall take all the care immaginable of that affair.

Governor Cosby to Under-Secretary De La Faye.

[New-York (S. P. O.), VIII, 120.]

New York Dec. y^e^ 18^th^ 1732.

D^r^: S^r^:

The enclosed is an acc^t^ for my Lord Duke, of what has occur'd to me in relation to the affairs of both Provinces since my arrival to this place, with some changes in the Councils which I desire and must beg your care and friendship in getting them done and forwarded, now I must say something for myself, and beg your forgiveness for not writeing since my arrival to this place, the hurry I was in was the occasion of my not acknowledgeing the many obligations I have to you from the civilitys you show'd me before I left England, I flatter myself that from the long Friendship and acquaintance that has been between us for so many years, will I do not doubt entitle me to the continuance of your favour, without my begging it att this time of day, therefore I shall sometimes trouble you with my letters, I must particularly recomend to you the removing M^r^ Alexander, who is in the Council in the Jerseys as well as this place, I must beg leave to be more particular to you in his Character than I have been in his Grace's letter, in the first place he is very obnoxious to most in the Council, as well as to every honest man in both Provinces, having y^e^ Character of a very tricking dishonest man, therefore very unfitt to sitt in the King's Councills, I enquired of severall Gentlemen how he came here, they said he was a schoolmaster on board one of His Majestys ships and was turn'd out for being a Jacobite, came here and marryed a widdow with some money, turn'd Lawyer and by his tricks and oppressions has made his fortune upon the ruin of many an honest poor Body, this is the Character of the Man, therefore the removing of him would be very aggreable to the people of this Country, as well as to the ease of carrying on His Majesty's affairs, I am extreamly pleased with your Nephew he is a very pretty fellow and we are very well together, and he is a great favourite with us, I am to do something essential for him and his sister Phanney in giving them some tracts of Land, which I will do very chearfully, and with a great deal of pleasure, I desire my service to M^r^ Crow and M^r^ Forbes, my wife and Family gives their service to M^rs^ Delafay, I also desire mine, wishing you health and all manner of prosperity as I am very faithfully

D^r^ S^r^

Your very affectionate

& ob^dt^ humb^le^ servant

To Charles Delafay Esq^r^ (Signed) W Cosby

Governor Cosby to the Duke of Newcastle.

[New-York Papers, Bundle Ee., 19.]

Burlington, May 3^d^ 1733.

My Lord,

On my arrival at New York I found M^r^ Lewis Morris Chief Justice, M^r^ James Delancey Second Judge and M^r^ Frederick Phillips the third Judge of the Supreme Court of that

province; the two last Men of good Characters both, as to their understanding and integrity, but the Chief Justice a Man under a general dislike, not only for his want of probity but for his delay of Justice, his excessive pride and his oppression of the people. These things, My Lord, I have been obliged to hear, without the mention of any one virtue in his behalf. I have often expected that he would come to me as others before him thought it their duty to former Governours, from whence I might have an opportunity to tell him of these complaints; but whether it be owing to his pride, his folly, or some unaccountable humour, he has not been once to visit me since I have been here, and I have no reason to think, that any admonition would have the least effect upon him, or if it would, things are come to that pass, that I can no longer suffer him to sitt upon that Bench. I will point out a few of his faults, and give an instance to prove each, that Your Grace may see I do not displace without reason. And:

First, of his partiality. Some years ago the dissenters of the parish of Jamaica in this province brought an Ejectment against the Church Ministers for the Church he preached in and was possessed of; when the Tryal came on, the Defendant's Council demured to the Plaintiffs evidence; Morris the Chief Justice desired them to wave the demurer, telling them that if the Jury found for the Plaintiff he would grant the Defendants a new tryal; the Defendants Council were very unwilling to do it, but however knowing the Man and fearing the worst from him if they refused they did consent, and the Jury found for the Plaintiff; the Defendants Council moved the next term (before Judgement) for a new tryall, and urged his promise, he denied at first that he gave any, but when they offered to make oath of it, he said a rash promise ought not to be kept, and never would grant them a new Tryall; whereby they lost their Church, and the Dissenters have ever since had it; its talked and believed to, that he was bribed to it, but as I have had no proof offered me, I have made no inquiry about it; his partiality however is evident.

Secondly. his delay of Justice. The complaints of this to, are the subjects of every day's discourse, in term time especially; I will single out one instance only, wherein not only his delay but likewise his injustice will appear. One Renselaer, brought his Ejectment against another Man, which the Lawyers tell me, is done on a feigned Lease for a term of years. The cause proceeded to issue, and a special verdict was found. The points of Law were afterwards argued before him at several times by Council on both sides, after this they expected and moved for Judgement, term after term, till the lease whereon the Ejectment was brought was pretty near expiring; then the Pl^{tf} moved that he would either give Judgement or enlarge the time of the lease; but he would do neither, so the Lease expired and the Pl^{tf} lost the benefit of his suit after a tedious attendance and a vast expence.

Thirdly. his oppressing the people, by giving them a great deal of trouble, and puting them to a fruitless expence, both, of time and money, in their attendance on the Courts. The constant method he takes in opening and adjourning the Court is thus: he adjourns it to eight or nine in the morning, but seldom opens it till twelve, one and two, and sometimes three in the afternoon, tho' the Jurys and others who have business are waiting from the hours adjourned to, not knowing when to expect him, and fearing to be fined if they happen not to be there. Irregular hours proceed from several causes, some whereof are his pride in makeing the world wait his leizure and his intemperate drinking in which he often spends whole nights; this he does in term time in the Town of New York. In the Circuits it is still more intolerable, for there, these hours of adjournement and sitting are not only like those, but

the people who go forty or fifty miles from their habitations, live at much greater expence and loose more time, and sometimes after Jurys have been summoned, witnesses subpened, partys attended, and all the Justices of the Peace and other Officers have gone to the place appointed for holding these Courts, as by ordinance of Morris's own procuring, they are directed and waited their several days in expectation of the Chief Justice, who then alone was to go the Circuits, he has not come to hold the Court. I have heard the damage that one County has sustained by one neglect of holding the Circuit Courts, computed at above two hundred pounds. To remedy in some measure this grievance, the Assembly have, since my comeing to the Govern[t] given the Second Judge a Salary, and now both, the Chief Justice and Second Judge are obliged to go the Circuits or forfeit their Salary. Besides, in some of the Northern Countys he has neglected going the Circuit near four years.

I shall now show him to Your Grace, in another light; when I had the honour to receive His Maj[tie] warrant, I sent M[r] van Dam a Copy, and made a demand of half the Salary and perquisites from Coll: Montgomerie's death, he having received the whole, as I have already informed Your Grace, but finding that I was to expect nothing from him, I retayned some Lawyers, who advised me to direct a suit to be commenced against him in the King's name in the Equity side of the Exchequer, for that the money must be still looked upon as the King's money till I actually received it. I did so and the Attorney General haveing exhibited his Bill, Van Dam pleaded to the Jurisdiction or rather to the very being of the Court, and then demurred; this the Lawyers thought so extraordinary step, that they expected the Judges would at first sight have discussed it, but the Chief Justice being willing it should be argued, the King's Council in the vacation prepared themselves to speak to the whole plea; but when the day came on which it was to be argued (the Chief Justice) without askeing the opinion of the other Judges, directed them to argue only that part of the plea, which struck at the Jurisdiction of the Court in the Equity side of the Exchequer. The King's Council endevoured to excuse themselves by saying that they had prepared their argument against the whole plea, and that what related to that single point was so interspersed with the others, that they Could not then separate them; however, that would not satisfye him, and they were forced to speak thus unprepared, the Lawyers for Van Dam were under no surprise, for the arguments which they had prepared and (according to the Custom here) wrote down, were adapted to that single point of the Courts holding pleas in Equity, and as if they and Morris had wrote by inspiration they had no sooner done reading the argument, but he pulled out of his pockett a paper to the very same purpose, which he had beforehand prepared and wrote, containing his opinion against the Jurisdiction of the Court. In that point Judge Delancey and Judge Phillips astonished at what they saw and heard, resolved to consider the point thoroughly, and to speak to it as soon as they could. Thus ended that days work. A few days after, Judge Delancey in a very handsome manner, and as the King's Council tell me, with much judgement, gave his opinion that the Court had power to hold pleas in Equity. M[r] Phillips the Third Judge was not then ready to give his opinion, but on the first day of the ensuing term, he delivered it on the same side the question with M[r] Delancey, that the Court had power to hold pleas in Equity; so that two of the three Judges concurring, their opinion is the opinion of the Court. However the next day the Chief Justice comeing to Court (for the day before when M[r] Phillips delivered his opinion he was not there) he told those two Judges openly and publicly, upon the Bench before a numerous audience, that their reasons for their opinion were mean weak and futile, tho' he had neither heard or seen Judge Phillips's, that

they were only his assistants', giving them to understand that their opinions or rather Judgements, were of no signification, but they resented it very sharply, and insisted of the Force and Justice of their opinions, and on their power and authority as Judges of that Court; whereupon the Chief Justice left the Bench saying that by the Grace of God he would sitt no more there when any matters of Equity came before them. Morris for many years was in effect the sole Judge of that Court, for he had only one joined with him and he a Merchant, but a Man of a very mean capacity as I am told; all that time Morris urged the most eminent of the Lawyers, as he does not scruple to say, to commence suits before him in the Equity side of the Exchequer, which he declined for no other reason, but because he had no confidence in his integrity, for since that Second Judge dyed and M^r^ Delancey and M^r^ Phillips have been on the Bench he has no scruple. I shall stop here to make a few remarkes on this Man's behaviour; in causes between subject and Subject, he has been extreamly dilitory, in the Cause between the King and Van Dam, he has been as hasty. In the first cause he asks the youngest Judge, and then the second Judge their opinion; but in this of Van Dam's he delivers his own without askeing theirs at all, doubtless with an intent to Byass or overawe them. Formerly he was for encouraging business to be brought before him in the Equity side of the Exchequer, but now he denyes the power of the Court. When he was president of the Council of the Jersey's he held a Court of Chancery, now he says there is no such Court.

It would be extreamly difficult to account for these contrary's, had he not been president of the Council of the Jersey's at the time, of Montgomerie's death, and received the whole salary and perquisites there; but being under the like circumstances with Van Dam he expects the like order, and hoping, by his partiality in Van Dam's case to make that a precedent in his own, the Mystery is disclosed; hence it is that the Lawyers believe he has not only advised the plea, but likewise Van Dam's Council in preparing their argument against the single point of the Jurisdiction of the Court in matters of Equity and that they likewise saw his opinion before he read it in Court. Van Dam's Council, notwithstanding Morris's opinion expected that the Court would sustain their power and therefore provided beforehand some further exceptions, which they offered as soon as Judge Phillips had delivered his opinion; the substance whereof is: that the Gov^r^ appearing by the King's order, to be interested in the Event, of the cause, and it being in his power to displace the Judges, this suit ought not to proceed whilst that power exists. To these shifts is van Dam driven by his Council or rather by Morris, since every one believes, he is at the bottom of them. The Judges however would not admitt of the exceptions, and I think they so palpably reflect upon their integrity, that they might well shewn their resentment more warmly.

I cannot forbear mentioning a late instance of Morris's insolence to one of His Maj^ties^ Council.

The Judges as well as the Lawyers not excepting van Dams, being of opinion that the Terms of holding the Supreme Court at New York and the Circuits in the Country, might be made more convenient, both, for them and the people, advised among themselves about it, having first obtained my leave, and thinking it proper likewise, that the power given to Judges by a former ordinance for appointing Sittings of the Court of Exchequer out of Term, for the dispatch of business in the equity side of that Court, should be inserted in that Ordnance, they consulted the Chief Justice upon it, who then made no objection, but a day or two after he had delivered his opinion in Van Dam's case, he mett M^r^ Kenedy one of the Council of this Province, and spoke thus to him: "M^r^ Kenedy, I tell you (and calling upon

one or two persons present) I desire you will bear Witness, that I tell Mr Kenedy, that such an ordinance will be brought into Council very soon; it is an illegal ordinance, and I tell you so beforehand, that you not give into it, and what I tell you, I shall tell the rest of the Council"—Mr Kenedy answered it would be his better way to talk with the Govr about it "I shall see the Govr to day" replyed Morris "and I will tell him so" after this the ordnance was laid before us, and past unanimously.

I have been as short as possible in my representations fearing to trespass much on Your Graces time or I could have given more instances of Morris's partiality Injustice and other faults, and yet before I part with him I shall be obliged to say much more, whereby I believe Your Grace will think him undeserving of any Countenance or office whatsoever.

His son Lewis Morris being one of the Council behaved himself with that insolence to Coll Montgomerie that he was obliged to suspend him from his seat at that Board, whereupon His Majty displaced him and appointed another in his room. Those insolent papers which the son then read and delivered at the Councill Board which occasioned his suspension, were, it seems drawn by his Father. Soon after my arrival here, the Son got himself elected an Assembly man for a Borough, in the room of a deceased Member,[1] and gave all the opposition he could to the measures the house took to make the Governt easy; but when he found the Revenue Bill would pass, he endevoured to stirr up contentions and create misunderstandings between me the Council and Assembly, hopeing by these means to delay the Revenue Bill if not to defeat it, but he failed in all his attempts; one whereof was to get an Act passed for establishing fees; his Father however was well pleased with his son's behaviour, for being over his cup's one publick day in a large company, wherein some of the leading men of the Assembly were present, he took upon him to condemn their conduct in those particulars wherein they had served the Governt and opposed his son, and to direct them in what manner they ought to exert themselves, wherein without doubt, he had an eye to the Boston Assembly, whose spirit begins to difuse itself too much amongst the other provinces.

Soon after the Chief Justice had read his opinion or rather argument in Court, I sent to him for a copy of it which he said he would send me, and suspecting that it would not be a true copy I sent again to him the next day to lett him know that I expected he would sign it and certifye it to be a true copy; he said he did not know whether he should or not, that he would think of it, and from that time I had no expectation of a copy, nor did I give myself any further trouble about it, since it was not so much his opinion that I took notice of, as the time wherein he prepared & spoke it. I shall therefore content myself at present for your Graces observation from what we could collect from his extraordinary speech to make a few remarks upon it.

His speech, was without doubt at first made to please the people, and by way of appeal to them, the things that he strikes at, being such as they by their representatives in Assembly have made bold attempts against; I mean the Court of Chancery, and the establishing of the fees by the Kings Authority. The first of these the Assembly have at several times voted to be against Law, and the Council being doubtful, whether the Govr alone, or the Govr and Council were Judges of that Court; Coll: Hunter that he might Act without scruple, wrote to the Board of Trade as I am informed, who refered the matter to Sr Edward Northy then Attorney General, who gave his opinion that the Govr by the custody of the great Seal of the

[1] Lewis Morris, Junior, took his seat in the New-York Assembly, for the Borough of Westchester, on the 17th of August, 1732, as successor to Gilbert Willet, Esq., deceased. *Journals of Assembly*, I., 633, 635. — Ed.

Province was the Sole Judge of that Court. In consequence whereof, he acted as such all the time of his Govern[t] and so have all the Govern[rs] since, and Morris himself when President of the Council of the Jerseys, on M[r] Montgomerie's death acted as Chancellor himself and giving a decree in that Court; but he knows that the people of new York have a greater dislike to that Court, & for different causes than the people of Jersey. In Jersey the King has no Quit rents to sue for, nor are there any grants of land made there as at New York, the whole province being granted under the great Seal of England; but in N. York there have been great arrears of Quit rents recovered in the Court of Chancery, and all or most of the lands having been granted by the Governour, the people are apprehensive of having the validity of some of those grants questioned; the attempt therefore to distroy that Court is popular.

That of the fees is not so great an eye sore; it has served however on all occasions to add to the number of their complaints, whenever an Assembly has grown sowr, but the people regard it no otherwise, then as they would have the power in their own hands and they have made some attempts to get it; for in the year 1709 they passed an act for the establishing of fees which was rejected by the Queen, in the same year and orders given to Coll: Hunter who was then appointed Governour of this province to establish them with the advice of the Council on a reasonable foot, which he did soon after his arrival by ordinance, and they have continued ever since on that establishment; and on the best inquiry I can make, I do not find that any complaint has been made to the Governours of any exorbitance of the fees.

If the Court of Chancery that has hitherto subsisted could receive its fate from the breath of this Man, why may not the other Courts, one after the other be dissolved in like manner. The Court of Exchequer of which he has been a Judge ever since he has been Chief Justice, is now given up by him, and I dont see how that can be distroyed and the others preserved; his and the other Judges Commissions extending to all alike, but as that would no way serve his present purpose, he was careful not to touch it, knowing that the people would too plainly see their own distruction in it, for nothing less then the utmost confusion must be the consequence, every judgement at any time given in any of those Courts, being of course to be void, and this perhaps was one reason, why he would not at that time suffer the whole plea to be argued; for it does not only strike at the jurisdiction of the Court to hear causes in Equity, but at the very being of the Court and the constitution of the Judges, and consequently all the Jurisdiction in all its parts.

But the other Judges, the Attorney Gen[l] and the Council retained for the King in this cause say and are of opinion, his Majesty may establish any Courts not repugnant to the Charter or common usage of the Province. S[r] Edward Northy gave his opinion as to the cognisance of the Court of Chancery [in] England. What is at present proposed is not an ordinance for establishing a Court of Equity, but for altering the terms or times for the sitting of the Court and Circuits, and appointing proper sittings out of term for the Equity side of the Exchequer and for the dispatch of business; but as these are questions and disputes foreign to my education and way of life I shall not enter further into them and have but just hinted at what is said in maintenance of the power of the Court. I beg leave however to say to Your Grace, that there is an absolute necessity to insist upon the Kings just prerogative especially since the wellfare of his Subjects is interwovn as in this case.

I have said that Morris himself formerly urged the Lawyers to commence suits in the Equity side of the Exchequer as a speedier and less expensive way of determining matters of

Equity, then in the Court of Chancery; if the subject can receive a benefit from that Court, I am sure it is necessary for the King's interest, for there the Quit Rents, fines, forfeitures and other dues, may be sued for & recovered in less time then in the Court of Chancery, for the Gov^{rs} being obliged frequently to meet the Jersey Assembly and the Five Nations of Indians at Albany, which take up a considerable part of the year, the business cannot be dispatched so soon as is requisite; by means whereof the people have been encouraged to pursue in their neglect of paying their rents and other dues at such time as they ought; but a Court of Exchequer meeting with none of these interruptions may in a shorter time determine causes whereby the Quit rents may be brought into a more regular and certain method of payment, a thing highly necessary, and which I am endevouring to put upon a good foot.

Upon the whole, My Lord, I think it my duty to support that Court, and to maintain his Majesty's prerogative to the utmost of my power; especially at a time, where his just and reasonable authority is so avowedly opposed by our neighbours at Boston. I perswade myself, that Your Grace will approve of my displacing Morris on this consideration too, that it is a necessary step to prevent the like in this province or at least, to defer[1] others in Authority from being Advocates for the Boston principles; it is evident from what has been said, that the Father on the Bench and the son in the Assembly act with the same views; they are men, from whom I am to expect the utmost opposition in the King's affairs and therefore ought to be crushed in time. I shall now make a few remarks on the printed paper, which is said to be a letter to me.

Morris says that the King's Council had liberty to say what they thought proper; but that is so far from the truth that he would not suffer them to argue upon the whole plea, which they had prepared themselves, but singled out one point to which alone he confined them, and for which they were not prepared.

He says, that he thought himself within the duty of his office in sending me the message about the ordinance; but I think rather it would have been his duty, to have waited till the Gov^{r} and Council had asked his opinion, or at least till the Ordinance had been passed; for if it had been an ordinance proceeding from the Gover^{r} & Council without any application to them from others, he could not be supposed to know, that we had any such thing under our consideration. But the truth is, he did know it, he was advised with ab^{t} it by the other Judges and the Lawyers before he delivered his opinion in Van Dam's case, and made no objection to the legality of it, but after he had delivered his opinion he thought it necessary to send that message.

He thinks my answer too warm, and proceeding only from the opinion he gave on that point of Law, but I believe, Your Grace will think I ought not to have anything to say to him in private who had so openly attacked the King's prerogative, that I could neither rely upon his integrity, depend upon his judgement or opinion or think him a person fitt to be intrusted with any concernes relating to the King is too plain from what I have said above to need any further reason; but he is widely mistaken in supposing it could proceed from no other cause but his giving that opinion, for it was not his opinion but the time and manner and the self interestedness of it that I resented most; had he suffered the King's Council to have argued upon the whole plea as they desired and were prepared to do, and had heard Council on the other side, had he taken time as he always had done in other cases before he delivered his opinion or had he not been president of Jersey and alike circumstanced with Van Dam,

[1] deter? — Ed.

his opinion then would have been no other wise considered than his want of judgement. But as he would not suffer the King's Council to deliver their arguments as they had prepared them, as he before hand had wrote down his opinion and arguments, as he had read it as soon as the Lawyers had done speaking without asking any of the other Judges their opinion, as he thereby attempted to byass or overthrow the other Judges, as he told them they were only his Assistants, thereby rendring their Authority contemptible in the eyes of the people & insinuating that their judgement or opinions are of no signification and as his case and van Dam's are alike (tho' the King's order with respect to Morris is not yet come) what less, then partiality could I think him guilty of, that I cannot think him fitt to be intrusted with the King's concernes.

The other part of my message which taxed him with slight and contempt ettc, he has in some measure acknowledged by saying that he has never been but six times in my company; three of the times he has mentioned, and the last of them somewhat ironically; if he had mentioned a fourth he would have named all the times he had been in my company, and that was about a frivolous affair at an unseasonable time, for dinner was on my table and my family and some of the Assembly waited for me; but I do assure your Grace he never was once to pay me a visit—no, not so much as to welcome me into the province; the first time I saw him was, when he delivered the publick seals of the Jerseys to me, which a Man of more modesty would not have mentioned at this time, since this short relation of his behaviour at that time will be little to his advantage. About four days after my arrival at New York I went to Amboy to receive the seals and to take the oaths, expecting to find Morris there, but he was not then come from his plantation tho' I had sent timely notice; I waited till he came and expected (the Council being Assembled) that he would deliver me the seals, but I was told that Alexander, one of the Council of that province and a Lawyer too, was busy in finishing a decree in Chancery which Morris had given, and I was desired to wait till it was done. I then went out and walked before the door of the house for an hour or two; some of the Council discovering how I was treated and highly resenting it spoke to Morris about it, who said that the decree would soon be finished, but that if the Gov^{r} would affix the Seal of the Province to it afterwards, he would deliver the seals to him; but I excused myself and waited, till Morris had sealed the Decree. This Decree it seems was given in a very hasty manner, and before the witnesses of the other side were examined it was made in favour of Morris's sons wife or her sister, wherein Morris's partiality is loudly spoken of.

Things are now gone that length, that I must either displace Morris or suffer myself to be affronted, or what is still worse, see the King's authority trampled on and disrespect and irreverence to it, taught, from the Bench to the People by him, who by his oath and his office is obliged to support it; this is neither consistent with my duty nor my inclination to bear, and therefore when I return to New York, I shall displace him and make Judge Delancey Chief Justice in his room, and I am perswaded that your Grace will be of opinion from what I have said, that I ought not to suffer him to sit longer on that Bench, and that I may not be thought singular, I will instance other Gov^{rs} who have displaced Chief Justices for much less cause, and I will go no further back then M^{r} Hunter, who turned out M^{r} Mompesson from being Chief Justices of Jersey and made M^{r} Jamison Chief Justice in his room; afterwards Gov^{r} Burnett displaced M^{r} Jamison & appointed M^{r} Trent; upon M^{r} Trent's death he appointed M^{r} Hooper, and sometime after displaced M^{r} Hooper and appointed M^{r} Farmer. M^{r} Delancy is a person of a very good estate as well, as of a good character, and I promise myself, that on my

recommendation Your Grace will be so good to obtain His Majᵗʸ's Warrant on which a new Commission issues here. Your Grace remembers how often Mʳ Walpole has desired that I should hold Courts of Equity towards supporting the Kings prerogative, as well as to recover his right it being very seldom done by former Governors here, as being unpopular, has made this Madman oppose it in this extraordinary way. I am—My Lord. ettc.

Wᵐ Cosby.

Lords of Trade to the Lords of the Privy Council.

[New-York Entries, *B.* L., 299.]

To the Right Honᵇˡᵉ the Lords of the Committee of His Majᵗʸ's most Honᵇˡᵉ privy Council.

My Lords,

Pursuant to Your Lordᵖᵖˢ order of the 22ᵈ inst: We herewith transmit to your Lordᵖᵖˢ the draught of an Instruction which we have prepared for Coll: William Cosby, His Majᵗʸ's Govʳ of New York directing him to annex the Tract of Land which His Majesty hath lately granted to Sir Joseph Eyles Knᵗ Jonathan Perrie, John Drummond & Thomas Watts Esqʳˢ in the said province of New York commonly known by the name of the Equivalent land to such contiguous County or Counties in the said province, as he shall judge most convenient for that purpose. We are—My Lords.

Your Lordᵖᵖˢ most obedient and
most humble servants.

P. Doeminique
T. Pelham.
E. Ashe.
O. Bridgeman
Ja Brudenell.

Whitehall.
May the 31. 1733.

Additional Instruction to our Trusty and welbeloved Coll: William Cosby our Captⁿ Genˡ and Govʳ in Chief of our province of New York, and the Territories depending thereon in America, or to the Commander in Chief of our said Province for the time being, given at.

Whereas a Petition has been presented to us by Sʳ Joseph Eyles Knᵗ, Jonathan Perrie, John Drummond and Thomas Watts Esqʳˢ praying that the Tract of land granted to them in the Province of New York, known by the name of the Equivalent land may be either erected into a County or united to such other contiguous County or Countys of the said Province as shall be found the most convenient; Our will and pleasure is that you choose the most convenient County or Counties and that you do annex the said Equivalent Land[1] to such County or Counties accordingly.

[1] Upon the establishment, in 1731, of the boundary line between New-York and Connecticut, a tract of land lying on the side of the latter colony, consisting of above 60,000 acres, from its figure called the Oblong, was ceded to New-York, as an *Equivalent* for lands near the Sound surrendered to Connecticut. *Smith's History of New-York*, 8vo., I., 244. — Ed.

Lewis Morris, Esq., to the Lords of Trade.

[New-York Papers, Bundle Ee., 16.]

New York. 27. August 1733.

My Lords,

I do suppose that by this conveyance Your Lord^{pps} will receive from his Excell^{cy} our Gov^{r} an account of his having displaced me from being Chief Justice of this Province, with the reasons for his doing of it. Had he been pleased to have communicated them to the Councill (which I cannot learne that he has done) or to myselfe, I make no doubt, I should have been able to have answered them to the satisfaction of my superiors; but since he has not done either, I have but to much reason to believe that I am displaced for the gratification of his causelesse resentment, for, any just cause I am sure he has not.

I have been nigh twenty years in that Office; and was recommended in the first of the late King, by the then Gov^{r} Hunter to the Board of Trade, to have that Office given me as some reward, for the faithfull services I had done to the Crown in this Govern^{t}, and that Hon^{ble} Board thought fit to recommend me to the King, who was graciously pleased upon that recommendation to conferr that Office upon me, and by his order in Councill to direct the Gov^{r} to issue a patent under the seale of this Province for that purpose, and his present Majestie on his Accession to the Crown was also graciously pleased by the like order to direct my being continued in it.

The Sallary and proffits of the Office was inconsiderable (not 100 pounds sterling) when I came to it, 'tis now not worth above 200 pounds sterl^{g} and that increase chiefly owing to the good opinion the General Assembly was pleas'd to conceive on my conduct in it. I am now grown old in the publick service having been for above forty years ingaged in it in New York and Jersey.

In the year 1701. I was instrumental (at my own no small expence) to prevaile on the proprietors of New Jersie to make a surrender of their Govern^{t} to the Crown, and I have not been since so ill a servant to the Govern^{t} as to deserve this treatment from the Gov^{r}, nor so behaved myselfe in my late Station of Chief Justice as to make my removal at all aggreable to the people, which Your Lord^{pps} on enquiry I doubt not may learne from indifferent persons.

I have not as yet, had any notice from the Gov^{r} of my being displaced; but the publick voice soon brought it to me, and a coppy of the following Minute of Councill which one of my friends procured the next day assured me of the truth of what was said: Viz^{t}: At a Councill held the 23rd of August 1733. Present: his Excellency, M^{r} Clarke, M^{r} Harrison, Doctor Colden M^{r} Kenedy M^{r} Delancy—The Gov^{r} delivered in Councill to James Delancy Esq^{re} a commission appointing him Chief Justice of the province of New York in the room of Lewis Morris Esq^{re}, and also to Frederick Phillipse Esq^{re} a Commission appointing him Second Justice after which they were sworn into their severall offices"—Tho' these men were all Officers of the Govern^{t} and consequently depending on the Gov^{r} and fearefull of speaking their mind, and the last of them Delancy, the person to whom the Commission was given, makes but the fifth Man; yet your Lord^{pps} may observe that no advice was asked (even of these Members) whether such a change was proper to be made; but the Commissions were delivered to the persons, and they sworn accordingly without ever consulting the Councill

about it who, (had they been ask'd) I believe would not have advised the doing of it. I being pretty well assured, that neither Colden, who well knows the state of this province, nor Kenedy the Collector, nor I believe Delancy himselfe would have advised the doing of any such thing. I submitt it to Your Lord^{pps} better judgements, whether in this or any such like case, it had not been more proper, and more agreable to the meaning of his Maj$^{tie's}$ Instructions to have had the whole Council present to have given their opinions, how fit it was to have made such a change, and to have had their reasons for or against the doing of it entered in the Council Bookes, that his Majestie and his Ministers might have been enabled to judge whether such a change was for the publick service or not. If his Excell^{cy} has any reasons better than the gratification of his own resentment (which I never will believe Your Lord^{pps} will think to be a good reason) and doth not communicate them to the Councill, it will naturally be thought they are such as the Councill are not fit to be trusted with; whether they are, or not, Your Lord^{pps} will be able to judge, for I suppose he will think himselfe obliged to give some, and the stale method of abuse, and calling every man that will not become the promoter of a Governour's private views, an Enemy to the King's prerogative, will not at this time of day be thought sufficient.—

The reasons for displacing a Judge should (in my humble opinion) be not only in themselves very good, but very evident; nothing being more distastfull than the arbitrary removal of Judges, because every man that has any thing he calls his own must naturally think the enjoyment of it very precarious under such an administration, and our Governour's conduct has been such as fully to perswade those under his Govern^{t} that he thinks himselfe above the restraint of any Rules but those of his own will. I can not tell what occasioned his difference with me unlesse it was an opinion I gave on a matter in Judgement before me; the opinion is printed and comes inclosed. Your Lord^{pps} will see by his message to me the temper of the Man and Judge of his abilities—My two Brethren the Second and third Judge (as they are here term'd) but now made the Chief Justice and Second Judge differed with me in opinion, their reasons I never could get in writing, but have inclosed the substance of them.—Your Lord^{pps} will be able to determine how farre they are, an answer to what I said: they are as follows:—viz^{t} First. that some power to correct the rigor or supply *the defects of the common rule or measure of justice as essencial to*, and coevall with *every well formed* Constitution. 2nd That this power is *not only supposed* in the frame of the Common Law of England, but the power itself *is a part of that Law.* 3^{ly} That the common Law of England is the undoubted birth-right of Englishmen and doth accompany and follow them into all Colonies or plantations deriv'd from their Mother Country. 4th That this is an English Colony or Plantation and therefore the Common Law extends hither, and consequently by that extension the power to determine according to equity doth extend and must be lodged somewhere—5^{thly} That this power in England was originally lodged in the Court of Exchequer. (I think my Brethren are a little mistaken in this part). 6^{ly} that the Judges of that Court have only their nomination from the King, but their power and Authority from the Law. 7^{ly} that the Judges of the Supream Court of this Colony having by their Commission a designation to the *same Office here* that the Judges in the Court of Exchequer *have in England*, they have therefore *by the same law the same authority; which the King by his commission, can neither add to, nor take from them.* 8^{ly} That therefore by their *Commission and the Common Law they may* proceed and *determine according to Equity*, and do not stand in need, *of any act of Legislature to enable them so to do.*

I think My Lords, the bare recital of some of these is a sufficient confutation of them. I shall not trouble Your Lord^{pps} with any remarks upon them, I intending shortly to print some.

I am very farre from being against a Court of Exchequer, but, whether such a Court with as large a jurisdiction as that in England, to dispose of and manage his Majesties Revenues here, may be fit and convenient in this Province or in any dependent Govern^{t}, especially so remote as this, is a question too big for me to enter into; but, with regard to the management and disposition of the King's lands in this province, a Court of Exchequer or something like it, under proper regulations and restrictions would be (in my opinion) for his Maj$^{tie's}$ service and the publick good. It is not unknown to Your Lord^{pps} that the Governours of this Province have made grants of very large tracts of Land, almost as large as provinces, with reservation of small and inconsiderable rents; and tho' by an Act of the Assembly of this province passed by the Earle of Bellomont, some of them were resumed, yet that resumption did not discourage the succeeding Governours from making as large if not larger grants with reservation of as inconsiderable rents; which grants are still subsisting. Most of the grants made by him, and some of the succeeding Governours had for their motive chiefly the private proffit of the Governours, and the gratification of their friends (seldom the friends of the Govern^{t}, but) the little instruments of their Tyranny and oppression, and the tooles to promote their purposes. The private proffit of the Governours arose two ways: 1st by large presents made to the Governours by the Grantees and 2nd not only by large presents made but by admitting the Governours to become sharers in the grants; for which purpose they made use of the names of some of their friends, who, after the Patent granted reconveyed to the Governours, and no lands were admitted to be granted unless some of these were to be parties to the Grant. I am told the present Governour (but how truely I don't know, but believe there is something in it) will not grant any lands unlesse he comes in for one third of them. The lands are purchased from the Natives by private persons who bid upon each other; and using the Arts common to Men competitors for the same thing, render those purchasers vastly dearer than they otherwise would be. The consequence of all this, is, first engrossing great Tracts of Land into few hands, 2nd rend[r]ing it very difficult if not impracticable for any but a certain classe of Men to come at them. 3rd rendring them so dear that when the present to the Gov^{r}, and his share of the lands, the large fees of the Secretaries Office ettc for the Patent, and the Indian purchase are deducted, it will not be worth the while even of those few that can come at them, to meddle with them, there being better lands and much cheaper to be purchased in Jersie and Pennsylvania without any reservation of rent or a very small one to fix the tenure.

These methods have not only hindred the natives of this province from settling and improveing of it, as they might have done, had lands been in fewer hands and more easily to be come at; but really weakned it, by necessitating the inhabitants to have recourse to Jersie and Pennsylvania, and hath been a meanes that contributed very much to the settlement and increase of those provinces, in proportion to the decrease it made in this. A Court of Exchequer with proper Officers for the management and disposition of the King's lands and rents, all intirely (or as much as may be) independant on a Gov^{r}, will I think prevent this for the future, if not go a great way to remedy in part what is passed, which is not to be expected from a Gov^{r} whilst that Smuggling Trade of presents from an Assembly to a Gov^{r} subsists, and which will subsist till some way is found to make the Governours believe that the King's Instructions prohibiting taking any presents really mean what the words seem to import. If I have not been misinformed the disposition of the lands in Pennsylvania were managed with good successe by some persons independent of the Gov^{r} in that point and called Commiss^{rs} of Property, but this matter is humbly submitted to Your Lord^{pps} better judgement.

Having just now mentioned presents to a Gov^{r} I send Your Lord^{pps} a printed pamphlet concerning a present made by our Assembly to the present Gov^{r} on pretence of his stopping the Sugar Bill by his interest with some Noble members of the House of Lords. This he had assurance enough to say, and our Assembly folly enough to believe. Your Lord^{pps} best know whether the Gov^{r} has such an instruction, as is there mentioned, or not, and if he has, whether the not communicating of it, to be entered in the Registers of the Council and Assembly, as he was by that ordered to do, and the taking of £1000 present from the Assembly, which that instruction forbids, be breaches of it or not: if they be? the consequences attending such a Conduct will lett the people (of the Plantations at least) know whether the words of it, viz^{t}: "on pain of our highest displeasure and of being recalled from that our Govern^{t}"— mean what they naturally seem to import, or not; and accordingly what judgement is to be formed of many other Instructions. But, however that happen, tho' he had not interest enough to stop it, as appeares by the Act being now passed, yet he is under as many obligations as that 1000 pounds can lay him, to wink at the breach of it, and may earn his money that way, tho' he could not deserve it the other.

Your Lord^{pps} has seen the reasons above, which induced our Judges to exercise a Jurisdiction in a course of Equity, in our Supream Court; here follows a Judgement given by the third but now Second Judge in that New Court, upon a demurer which was: 1st That the King has a prerogative to sue in what Court he pleases. 2nd That this power is not limited to Courts of Equity for matters of Equity or Courts of Common Law for matters relievable at Common Law; but—3rd *That the King has a right to sue in Equity for what he may be reliev'd by the Common Law*, otherwise he would have no prerogative or priviledge above his subjects; for they as well as the King, may be reliev'd in Equity, for matters of Equity; and in any Court of Common Law for matters relievable at Common Law. The sole authority relied on by the Judge to support this opinion "that in all cases the King might sue in Equity for what he might be relieved by the Common Law," was what one Greenfield offered in argument as 'tis in the Year book of the 39th of Hen: 6th fol: 26. before the Chancellor of that time; which case I doubt not My Lords, the Judges, or his Maj^{ties} Attor: Gen^{l} will tell Your Lord^{pps}, does by no means warrant such a judgement, and that the Law is quite otherwise. But thus it stands at present here, to the surprize and amazement of all the Inhabitants of this province, who think this judgement, an intire subversion of all the Laws and a lying aside the tryall by Juries, in all civil cases where the King is, or his Gov^{r} (from whom every thing is to be feared) will please to say he is concerned, and putting the disposition of their properties into the sole hands of Judges; who, if they should not prove proper instruments for a Governour's purposes, may be soon removed as I have been and more obsequious Men put into their places. What comes from me, may perhaps have little or no weight at all with Your Lord^{pps}; and because of my particular concerne may be thought the effects of warmth and resentment for my being removed.

I must confesse, I have not so little of human nature as to be without proper resentments, for a treatment I am not conscious to myselfe of having in the least deserved, or be easie to see those methods of Govern^{t} take place here, viz^{t} the arbitrary removal of Judges, that in England is so justly remembred with the utmost detestation, by every true lover of his Country, and subjects the liberties and properties of the Inhabitants to the disposition of a Governour, very much wanting tallents suitable to manage so great a power with tolerable decency. I am not singular in this opinion. I thought myselfe bound in duty as well as

interest to lay this matter before Your Lord^{pps} who are particularly intrusted with plantation affairs, and I please myself with the hopes that Your Lord^{pps} will think it necessary for his Maj$^{tie's}$ honour and service, that justice may be done to the Governour and to

My Lords,

Your Lord^{pps} most humble and
most obedient servant
LEWIS MORRIS

Postscript Sept^{r} 1. 1733.

On the 30th of last month a supersedeas[1] was sent me, which was two dayes before the calling of the Councill on the 23rd as appears by the copy of the minutes of Councill; and from that it is plain, that the Councill was not consulted; besides I believe I am well informed, that on the delivery of the Commissions to the Judges in Councill, that Doctor Colden ask'd the Gov^{r} whether the Councill were summoned to be advised with on that head? if they were, he would advise against it, as being prejudicial to his Majesties service; to which the Gov^{r} replyed, he did not, nor ever intended to consult them about it; he thought fit to do it, and was not accountable to them; or words to that effect. I was at my owne house (if I have any thing I can call my owne) in the Country, about ten miles from New York when this happened, and have not been since 100 yards any where from it; but am told it has created so great a dissatisfaction, that a more universal one was never known in this part of the world; of this Your Lord^{pps} may be informed if you please by every body that goes from hence.

The most considerable of the Merchants and inhabitants of the City of New York, have already voluntarily signed a testimonial of my good behaviour in my Office, during the time that I have been in it, and of my constant and firm atachment to the present Govern^{t}, and the illustrious Royall Family on the British Throne, which I am told will be also done by above nine tenth's of the Inhabitants of the Iuhabitants of that City, and of the whole province — Whether they will do it time will discover. I am sure they can do it with a great deale of truth, and I believe they will.

I humbly beg leave to submitt it to Your Lord^{pps} judgement, that I being nominated and appointed by his Majestie in Councill, tho' not made Chief Justice of this Province by Patent under the Great Seale, whether it be not in a manner tantamount, at least with respect to the Governour's displacing of me? and whether the Governour is not understood to be under the same restrictions with respect to the displacing any person appointed by his Maj^{tie} in Councill, as he is with respect to the displacing of a patent Officer? The nature of my Office, and the concerne his Maj^{ties} subjects inhabiting this province have in it, seemes to make it reasonable that it should not be altogether precarious. But this as I have said is offered with the utmost submission by.

My Lords,

Your Lord^{pps} most obedient and
humble Servant
LEWIS MORRIS.

[1] Dated 21st August, 1733. *New-York Commissions*, III., 372. LEWIS MORRIS was son of Captain Richard M., and born at Morrisania, Westchester Co., N. Y., in 1671. In 1691 he married Isabella, daughter of James Graham, Attorney-General of the Province. (See *ante*, IV., 847.) He was appointed Governor of New Jersey in 1738, and died at his seat at Kingsbury, near Trenton, on the 21st May, 1746. — ED.

Governor Cosby to the Lords of Trade.

[New-York Papers, Bundle Ee., 42.]

New York. 29 Aug: 1733.

My Lords,

I do myself the honour herewith to transmit to Your Lord^{pps} the minnitts of the Council of this province to the 14th day of October last, and the Acts of Assembly past here the last session of Assembly markt from N^{o} 1 to 23, and to save Your Lord^{pps} the trouble of reading the titles of them I beg leave to refer to the numerical figures with which they are markt.

N^{os} 1. 4. 6. 7. 8. 13. 15. 20. 21. 22. being Acts which either revive or continue Acts formerly past which I presume have been considered by Your Lord^{pps}' Board, need no remarks.

N^{o} 2. is intended and necessary to preserve the breed of sheep.

N^{o} 3. is an Act wanted, and very useful.

N^{os} 5. 11. 12. 14. 18. 19. the reason and necessity of these will appear in the preamble of the Acts.

N^{o} 9. several Acts of this kind have been formerly past and some many years ago expired and not again revived; the Wolves being intirely destroyed in some Countys, but in the Countys mentioned in this Act, the wolves still remaining, and it being thought most proper that the reward should be the same in every one of them; this present act was thought proper to be now made,

N^{o} 16 is the Revenue Bill which needs no observa^{tn}

N^{o} 17. Is the Act for supporting Oswego, it is conformable in a great measure to the last Act made for that purpose, and in general makes the Trade of that place defray the expence, the only probable method whereby to maintain that place.

N^{o} 23. Is an Act to naturalize some Foreigners; many Acts of this kind have been past in this province heretofore and I wish there were more frequent occasions for them, for this Province wants only people to make it a flourishing Country.

N^{o} 10. is an Act for confirming the charter granted to the City of New York by Gov^{r} Montgomerie.—My Lords, as to this Act I would beg leave to observe that the Charter which was designed to be confirmed by this Act having past away, so many grants of a very extraordinary nature, that I thought it necessary for me to acquaint Your Lord^{pps} with some of the inconveniencys arising from it. By this Charter are granted all the Islands near and round his Majesties Garrison here, the soil of the East River, as far as low water mark and extending in length to the utmost limits of the Island whereby his Majesty's prerogative & interest may be in danger of suffering, and his ships stationed here under a necessity of becoming petitioners to the Corporation for a convenient place to careen or refitt; for this Charter having granted the Corporation all the Islands as well near and round as before the Fort which lay commodious for the security and defence of it, in case of any eruptions, was as I conceive a lodging too great a power in them, in case of any necessity, and by so much a lessening of the King's prerogative.

I must own My Lords, that I was meerly surprised into an assent to this Act, it having been exhibited so very early after my arrival (as Your Lord^{pps} will perceive by the Act itself) that I had not an opportunity of being acquainted with the nature and design of it and from the general words of the title of it, very little apprehended the nature of it's extent.

The Act in General termes confirms the City all the grants to them at any time before made without either referring to any one grant in particular or mentioning what those grants were that were designed to be confirmed by this Act, so that Your Lord^{pps} on view of the Act could not determine what rights grants or particular priviledges were to be confirmed by this Act and for ought appears some (if not many) of those gifts or Charters might be (and as I believe are) prejudicial to His Majesties interest.

It was but very lately, My Lords, that I came to any knowledge of the Charter designed to be confirmed by this Act, and that Charter consisting of a vast number of Skins of Parchment, and the vessel by whom I now write being to sail in a day or two has rendered it impracticable for me by this opportunity to have sent it to Your Lord^{pps} a copy of the Charter or of the substance of it, and without which Your Lord^{pps} could not well Judge of the Act, the Act being worded in General terms, but shall send it by the next ship; and now hope that what I have offered will justifye Your Lord^{pps} to stop any proceedings at your Board upon that Act until I have the honour a second time of writing further to Your Lord^{pps} concerning it.

I am My Lords, with the greatest respect imaginable your Lord^{pps}

most obedient and most humble
servant

W Cosby.

Lewis Morris, Esq., to the Lords of Trade.

[New-York Papers, Bundle Ee., 49.]

Morrisania. 15. Decemb^{r} 1733.

My Lords,

I have presumed to trouble Your Lord^{pps} with two of mine, with some prints inclosed, which I hope have come to hand; there are since that more made publick and some articles of complaint against the Gov^{r} by M^{r} van Dam, which are intended to be layd before his Majestie, and are also inclosed for Your Lord^{pps} perusal. The case of the Albany deed, is endeavoured to be evaded by the approbation of the Council, which (if true) rather shews the weakness of the approvers, or something worse, than the legality of the Action. The Governours are sometimes attended by some of the Council to Albany, and it has been customary to advise with them when anything was to be done, and afterwards to communicate to a fuller Council in New York, what had been done at Albany, who generally approved of it. Something like this (I have been told) has been done in this case: viz^{t} after the deed was destroyed the Governour procured some of the members that were present, to approve of what was done, and afterwards, got a Council here consisting of some of the same Members joined with others to approve of that approbation. But, as I take it, had the whole Council been present, and directed it to be done, instead of approving of it when done, it had been rather more, than less illegal. The approbation of the Act, shews the Men, and the Governour's influence over them: but the directing or advising of it to be done, in the manner it was, I think is by no means justifyable; for, had the Council a legal power to give such direction (as I think they had not) yet, it should have been, first, upon complaint of the Indians, which (if I am rightly informed) it was not, but the fraudulency of obtaining the Deed, a suggestion

of those who were to share with the Gov^{r} in the grant of the Land, and secondly the owners of the Deed should have been served with a scire facias, or something like it, setting forth the complaint, and a time should have been given them, to have shewn cause why it should not have been destroyed (if the destruction of it was required) and they should have been fully heard in the defence of it, before any order was made; but, to advise the Gov^{r} to feign a desire of seeing the Deed in order to get it into his hands, and then give it up to be destroyed, would have been an advice and direction (in my opinion) unbecoming a Council to have given, and so high an invasion of propertie, as would have deserved little less than a halter, had they so advised. M^{r} Horsmanden, I take to be the person meant by the 14th Art: he is a Gentleman of breeding and sence, superior to most of that Board, but has no real Estate that is known, & I fear no personal neither, that being all mortgaged to a gentleman of my acquaintance, and payable this month, which, how he will discharge is a mistery I wish he may be able to discover, he having no means known but his practice to do it, and (tho' a Barrister) that is not much.

The affaire of the French Sloop mentioned in the 27. 28. 29 and 30th Art: gives much uneasiness to the Inhabitants; whether as some suppose, she was sent by the French Govern^{t} to sound our harbours and discover our strength, or as others guesse, on a scheme projected by the Gov^{r} and his Brother a Major at Annapolis Royall (who has married a French Lady of that place) to carry on a clandestine trade with the French. 'Tis certain that the pretence of a bad harvest at Canada and want of provisions at Louisbourg, was but a mere sham.

By the Accounts we have among the Mercantile folks, the French are laying in large stores of provisions in all their garrisons in America, and a vessell they chartered here to carry provision, its supposed will be sent to some of their Islands; had the Gov^{r} confined the persons that sounded our harbours ettc. he would have done nothing but what the French would have done in the like case, who make prisoners of any Englishman that goes to Canada, as Your Lord^{pps} may learne from M^{r} Livingston who goes over with this ship, he is to be heard of at the New York Coffe house in London.

I sometime since sent a son of mine with a son of the late Commiss^{rs} Swanson to Canada to learn the language, but the Gov^{r} of Canada, would not permit the youths to stay there, but made prisoners of them and sent back, pretending his masters orders for so doing. The Brandy, Claret, ettc mentioned in the article, whether presented the Govern^{r}, or bought by him, does not much alter the matter. Your Lord^{pps} are the best Judges whether the conduct of the Gov^{r} is blameable or not.

I have seen an affidavit of the last Articles, concerning the Soldiers; the Gov^{r} finds a way by the misapplication of that money, and that of the presents to the Indians, to make a vast profit to himselfe, but the consequence is, that by the first, our garrisons are left defenceless, and by the second we have lost a great part of our Indians, who are gone over to the French, and those soldiers now at New York (if the Officer who made the affidavit may be believed) are most of them either convicts transported, or papists or both, not the most likely people to make a good defence against the French, or the fittest to be trusted in a Frontier Garrison. I know several of these soldiers, who have neither had pay nor cloathing for several years if they themselves speak truth.

Our Council have addressed the Gov^{r} (as is said) telling him how happy this province is, to be under the command of a person so able to defend it, in case of a war, which they suspect to be approaching, or something of that nature, for I never saw it. This address (as I am told) was brought ready drawn according to Custome, and without much hesitation complyed

with, and really amounts to no more than his own addresse to himselfe, or rather the address of one or two somethings, who are distinguished by the title of his Friends, for as for himselfe, his talents are said not to lye that way; but, however lavish they have been in their praises of him, 'tis their misfortune to be the only persons in this Govern[t] that have a good opinion of him; for, no Man was ever so universally hated as he is. His new Exchequer Court, and a series of rash Actions in every part of his conduct, have so farr exasperated the people as gives room to suspect, that he cannot be long very safe, without such an alteration in his conduct, as he seems altogether incapable of. The difference between him and myselfe, may render what I say suspicious; but, if I know any thing of myselfe? I am above lying against him or for him. I believe upon enquiry Your Lord[pps] will find what I say confirmed by most that go from these parts, and that his being recalled, will be necessary for His Maj[ties] service for the safety of the Inhabitants of this Province, and among them that of

My Lords,

Your Lord[pps] most obedient and
most humble servant
LEWIS MORRIS.

Governor Cosby to the Duke of Newcastle.

[New-York (S. P. O.), VIII., 140.]

New York, Dec. 15[th] 1733

My Lord

The French Garrison of Louisburg on Cape Briton being in great distress for want of flower and pease occasioned by the failure of the crops in Canada from whence they are usually supplyed, M[r] S[t] Ovide De Brouillant the Gov[r] of that Garrison & Island dispatched a sloop hither with two Officers begging my assistance and permission to furnish themselves with such provisions as he wanted for the releif of the Garrison, I communicated to the Council the letters which those Officers brought me from M[r] S[t] Ovide desireing their advice thereon who were of opinion that I ought to grant his request it being both humane and agreable to the treaties subsisting between the two crowns, accordingly I gave them permission, the Cargo they brought was very inconsiderable being only twelve hogsheads of rum & two casks of oyl depending chiefly on the money and bills of Exchange which they brought with them: I think it my duty to acquaint Your Grace herewith and to enclose to you a copy of M[r] S[t] Ovides letters.

I am informed that the fortifications at Louisburg are considerable, but the barreness of the Island on which they cannot raise the least provision, & the uncertainty of the crops in Canada must make the subsistance of the Garrison very precarious of which advantages may be taken in time of war, I have hinted something of this in my letter to the Lords of trade chiefly with an intention for your Grace's consideration to whom I enclose a copy.

I am my Lord with y[e] greatest
respect imaginable
Your Grace's most obediant &
most oblidged hum[ble] servant
(signed) W COSBY

To
His Grace y[e] Duke of New Castle.

Governor Cosby to the Lords of Trade.

[New-York Papers, Bundle Ee., 21.]

New York. 15. Decr 1733.

My Lords,

When I was at Albany in September to meet the Six Nations of Indians, the Sachims or rulers of the Mohocks, the most warlike and renowned of all those Nations desired a conference with me; I summoned the Gentleman of His Majty's Council who attended me there to meet me in Council as they did, and the Sachims being called in with the sworn interpreter, they told me that they came thither as supplicants for redress of a gross deceit and injury done them by the Corporation of Albany; I gave them to understand that I was ready to hear and to relieve them, they then said that they were the natural owners and proprietors of that part of the Mohock's Country where they lived, that their Ancestors had ever held, enjoyed and cultivated the same, nor was any attempt made at any time by the Governt to disposess them of their lands without their consent, and hoped that none hereafter would be made, for that they were under the protection of his Majesty and on his Justice, Grace and goodness they relyed; yet notwithstanding that their hopes were so well founded, the Mayor and some others of the corporation of Albany did about a year or two ago, insinuate to them that Govr Montgomerie had in his lifetime an intention to take their lands from them, and that possibly some future Govr might pursue the same intentions, that there was but one way to secure their lands to them from such attempts, which was to make them over to the Corporation in trust for them, and that then the Corporation would withstand all such attempts, and preserve their lands to them so long as they thought fit to continue them their trustees, that being thus possessed with the fear of loseing their lands they did consent to make them over to the Corporation in trust for such time only, as they should think fitt, and accordingly executed a did to that effect as they supposed and were told that the Corporation promised them a counterpart or copy of that deed but never gave it them; that same time after the execution of that deed they were informed, that it was not a deed of trust but an absolute conveyance of a thousand Acres of low or meadow ground at a place called Tiononderoga,[1] being their best planting ground. Full of resentment at the froud they resolved to apply themselves to me and earnestly desired, that the Mayor might be ordered to bring the deed, and that it might be read and interpreted to them. I sent for the Mayor desireing him to bring the deed, he did so and it being read and interpreted to the Sachims, they cryed out with one voice that they were cheated, and that that deed was imposed upon them for a deed of trust, and vowed, that as long as there should be one Mohock living, the people of Albany should never have a foot of that land, declaring that if they had no redress they would leave their Country, and go over to the French, and begged to have the deed delivered up to them. I enquired if the Corporation had paid or given the Mohocks any consideration in money or goods for it, whereby it may appear that there was an intention of a purchase, but not finding that they had given them any thing, the Mohocks persisting strenuously in their demand of having the deed delivered up to them, and the fraud being but too evident, I gave the deed into the hands of the Sachims, who first with great rage tore it in pieces and then threw it into the fire, declaring again, that as long as one Mohock lived, the people of Albany should never have a foot of that land, and then thanked me for the Justice I did them. The Corporation finding themselves deprived of the benefit they

[1] Fort Hunter. See *ante*, III., 771. — Ed.

proposed to make by that fraudulent conveyance talk as I am informed, of applying to His Majesty for a confirmation of their Charter, hopeing thereby to attain their ends pretending that they have a right to these lands by their Charter granted to them by Coll: Dongan, I beg leave to lay before Your Lord^{pps} in few words the state of that case in its true light being perswaded, that when Your Lord^{pps} have thoroughly considered it you will advise His Majesty against a confirmation. In 1686 Coll: Dongan then Gov^{r} of this Province did by Grant or Charter in his own name and under the seal of the Province, erect the Town of Albany into a City and Corporation, thereby granting them many rights and priviledges and the lands which they held by former Grants, together with a thousand acres of low or meadow ground at Tiononderoga (not before granted) in the Mohocks country, and thereby gave them licence to purchase the said thousand acres from the Mohocks; this is the short state of the case whereon I shall make some few observations.

First: the Charter is not in the King's name, and consequently (as I am advised) void. Secondly: it has at all times been understood that a Gov^{r} cannot grant lands till they are first purchased from the Indians, wherefore the first step that has been constantly taken (except only in this case of Albany and one more) has been to petition for a licence to purchase from the Indians, when the purchase is made, then and not before they petition for a grant, thus the Planters have settled and posessed their lands in peace, the Indians have chearfully submitted to this Gov^{nt} and been kept from throwing themselves into the protection of the French. I am sensible that the King by his patent under the broad seal of England grants land before they are purchased, but that gives Gov^{rs} no authority to do it, and tho' those lands are granted before a purchase, yet purchases are afterwards made by the proprietors or those to whom they grant or convey before they settle.

Thirdly: all licences granted by Gov^{rs} are determinable at the expiration of one year from the date, which obliges the Petitioners to be active in makeing the purchase or to give way to others who can and will, that the lands may be granted, the Country settled and the Quit rents increased, but this licence granted by the Charter is perpetual, so that if it be in force the Mohocks must either sell to them for what they will give them or not sell at all, which is inconsistent with common justice and the constant practice, and may force them to fly from us to Canada which by all possible means ought to be prevented

If the people of Albany think their Charter is either void or voidable not being in the Royall stile, I am willing upon their application to grant them a new one. The City of New York whose charter likewise was granted by Gov^{r} Dongan in his own name being sensible of its weakness applyed to and obtained from Gov^{r} Montgomerie a new one in the Royal Stile, and I presume to hope, that if they do apply at home for a New Charter they will be referred to me, for if the favour comes to them from this Govern^{t} they will be more ready to serve it then if they were under no obligations to it, and I assure Your Lord^{pps} a Gov^{r} has need of all the helps he can get to keep the people in a disposition to do their duty; but as to the thousand acres of land at Tiononderoga it may be fatal to our frontier settlements to grant them anyhow, till they are first purchased of the Mohocks of which I presume I have said enough before, to convince Your Lordships.

On the 15th of the last month arrived here a sloop from Louisbourg on Cape Breton with two Officers on Board belonging to the Garrison of that place, who brought me letters from the Gov^{r} and Intendant, earnestly desiring that I would permit them to purchase provisions here to carry back with them for the relief of that Garrison & Island who were in the utmost distress, and must perish if they had not some succour from hence; it seems their dependance

is on Canada for Bread and pease, but the crops of that Country haveing failed they were reduced to the utmost necessity. I advised with the Council hereon to whom I communicated those letters, and upon their advice permitted those Officers to furnish themselves with such provisions as their necessitys required, the species and quantities whereof Your Lord^{pps} will see in the inclosed copy marked A. to which and to the minutes of Council of the 16th & 19th of Nov^{r} marked B as well as to the copys of those letters marked C. I beg leave to refer. As we are at present in Amity with the French, I could not nor could in common humanity refuse to give these people permission to supply their necessitys, without giveing just cause of complaint against me; their present necessitys which I am informed is not the first, they have been reduced to, furnishes me with this observation, that a Garrison at so great a distance from France from whence they are supplyed with Beef and Pork, and the uncertain crops of grain in Canada from whence they are to expect their bread (for on Cape Breton they raise nothing from the earth) must make that place in time of War very precarious especially, if our Men of war which must necessarily be on that coast to Guard our settlements at Annopolis and Cansa and our fishery, are active and constant in their Cruises between Cape Breton and Newfoundland, for they can hardly fail of intercepting all vessells that are sent from France with supplys for them or with Merchandize to Canada.

I do myself the honour likewise to send to Your Lord^{pps} the Acts of Assembly passed in this province the last Session, which I think need no remark, except only that to repeal part of a Clause in the Act therein mentioned, I have in obedience to His Majesty Instuc^{tns} granted the Swamp and fresh water therein mentioned to Anthony Rutgers, who has already been at a very great expence in draining it and must still be at a much greater, and being apprehensive, that he or his posterity may some time or other be molested in his posession if that Clause should not be repealed, and tho' I think his fears groundless yet His Majesties intention being that the Grant to him should be effectual, and as his Maj^{ties} interest can receive no prejudice by it, I have at his request consented to the Act, and hope on Your Lordships recommendation it will receive His Maj$^{ty's}$ approbation

I am — My Lords.
with the greatest respect imaginable
Your Lord^{pps}
most obedient humble servant
W Cosby.

Conference between Governor Cosby and the Indians.

[New-York Papers, Bundle E., 22.]

By his Excellency William Cosby Esq^{r} Capt^{n} Gen^{l} and Gov^{r} in Chief of the Provinces of New York, New Jersey and the territories depending thereon in America and Vice Admiral of the same and Colonel in his Majesties Army ettc.

A Proclamation

Whereas several Sachims of the Five nations are arrived here with many other Indians to treat with me about some publick Affairs, and experience has shown how prejudicial to His

Majesties service and dangerous to the peace of the Inhabitants the giving or selling of Rum or other strong liquors to those Indians, has at all times been. These are therefore by virtue of the powers granted me by His Majtis letters patents under the Broad Seal of Great Brittain, strictly to forbid all persons whatsoever to sell or give to the Indians any such liquors during my residence in this place, as they will answer it at their peril, and all Magistrates Justices of the Peace & other civil Officers, are hereby required to see that this proclamation be stricktly put in execution and all offenders presented and punished with the utmost severity of the Law—Given under my hand in Albany this seventh day of September in the sixth year of his Majesties Reign Annoq Domini 1733.

God Save the King.

Seven Sachims of the Maquase, Oneydes, Tuskorores, Onnondages, Cayouges and Sinnekes, waited on his Excellency Wm Cosby Esqre ettc. at his lodgings the 7th of September 1733. Who said:

Brother Corlaer.

We come to acquaint your Excellency that last Summer one of the Cayouge Sachims was kill'd by one of the Soldiers at Oswego, and perhaps you will mention it to morrow in your proposition to us, but we desire that you do not speak of it, we know that by your Laws a Murderer must dye, but it has been concluded by the ancient covenant between our ancestors, that if any such accident happen'd, that it should be reconciled and forgiven and that it may be thrown in a great Pitt which is the earth whereto is a great strong door whereon is a large Rock which can't be moved, wherein all such things are burryed in oblivion, therefore we desire that the said Soldier may be released after your Excellency has spoken to us.

Propositions made by his Excellency Wm Cosby Esqre Captn Genl and Govr in chief of the Provinces of New York, New Jersey and territories depending thereon in America, Vice Admiral of the same, and Coll: in His Majtie Army ettc. to the Sachims of the Six Nations called: Maquase, Oneydes, Tuskaroes, Onnondages Cayouges and Sinnekes, this 8th of Septr 1733.

Present— His Excellcy Wm Cosby Esqre
Geo: Clarke
Francis Harrison,
Philip Livingston Esqrs of His Majties Council,
Major Cosby,
Mr Freeman and
the Commissrs of Indian Affairs.

Brethren,

I understand with concern that you have had a great mortality among you by the small pox, and lost many of your people and hear that you are greatly grieved, therefore I wipe of the Tears from your eyes open your understandings, wash off your blood and condole the death of all people you have lost, that we may behold one another with joy. *Gave three strings of Wampum and a Belt.*

Brethren,

It is with great pleasure that I meet you here and I am very sorry I could not do it sooner but you will be convinced that it was not my fault when I tell you that at my first arrival at

New York the business of that province was absolutely necessary to be done, and that of neighbouring Prov^ce New Jersey this last spring has detained me ever since and retarded my comeing to deliver the kind messague I bring you from my Master the King of great Brittain.— His Majesty has ordered me to tell you that he loves you as a Father does his children, and that his affection towards you is occassioned by his being informed, that you are a Brave & honest people, the two qualities in the world that recommend most either a Nation or particular person to him, he has been informed that you love his Subjects the English, and that you desire to live with them as brethren, therefore he has commanded me to renew the old Covenant chain between you and all his subjects in North America and to make it brighter if possible then ever it was before, I expect you will give sufficient assurances to do the like on your part. *Gave a Belt.*

Brethren,

Besides the two qualities, of bravery & honesty, his Majesty is convinced that you are a wise people and good judges of your interest; how happy then must you think yourselves, when the greatest and most powerfull Monarch in Christendom, sends me here to confirm the ancient friendship betwixt you and all his Subjects, to assure you of his fatherly care, and to tell you that he thinks himself obliged to love and protect you as his own children; you need fear no enemies, while you are true to your alliance with him, I promise you to take care that none of your Brethren here shall do you any wrong, and if the neighbouring Nation be so bold to disturb you, you need not fear what they dare or can do, since you have the King of Great Brittain on your side who is a Prince early initiated in the Art of War and formed by nature for the greatest Military achievements, who will whenever there is occasion for it, put himself at the head of the finest body of troops in the world, who are all his own naturall born Subjects, who has at present a Fleet of ships in so good order and so well commanded, that they could be masters of the great Lake, tho' all the fleets in the world were joined ag^st them, after what I have told you I am convinced that so wise a people as you are will glory in behaving as becomes faithful children of so great a King who loves you and will resent any injury done to you as if it were done to his children on the other side of the great Lake. *Gave a Belt.*

Brethren,

I expect you are now convinced that the Garrison at Oswego is not only for the conveniency of the Far Indians to carry on your Trade with the Inhabitants of this province, but also for your security and conveniency to Trade there, for such necessarys as you have occasion for and at as easie terms as if none of the upper Nations came to trade thither, therefore I make no doubt that you will at all times willingly defend this Garrison against all attempts which may be against it, according to your former promises and engagements. *Gave a Belt.*

Brethren,

I hear that you have been often apprehensive that a trade with the Far Nations would be to your prejudice, and that it will make the goods you want dear, but I can assure you that the Woolen Manufactory of Great Brittain is able to supply the whole world; so the greater the Trade is carried on, the greater will be the supply and cheaper then formerly. I desire you to be kind to the Traders and not molest them as they go up but let them pass quietly.—

Brethren,

How unable the French are to supply you with goods, when the King of Great Brittain and the French King are at war, you know very well and that the French themselves could not have subsisted had they not been supplyed from Albany, keep steady then in your friendship and alliance with us, who can and will always supply you with what you want and hearken not to the French Priests who labour to Draw you from your real interest and best friends. *Gave a Belt.*

Brethren,

I am informed that your Young Men, go to war, against remote Indians who never annoy or molest you, I do command them to forbear such hostilities, whereby you will show me, that you endevour to cultivate a good understanding with those Indians to make them your Friends, & encourage the good design of promoting a trade betwixt us and them, I expect, you will for the future persist in your good behaviour towards these and all other remote Nations of Indians it will be a means to strengthen your alliances and make you a great people. *Gave a string.*

Brethren.

I expect you will not permitt any persons of what Nation soever to reside and dwell among you, except they be the subjects of the King of Great Brittain, and since you have put your lands under the protection of the King of Great Brittain I do in a particular manner require you in my Masters name, that you will not suffer the French to build any Forts or tradeing houses on the side of the Lake or any other part of your Lands for if at any time hereafter there should happen to be a war between us and the French, they will make use of them to destroy you which otherwise they cant effect, you have formerly had frequent instances of their enmity to you in their several attempts they made against you, it was their interest to weaken you, ours to encourage and strengthen you. *Gave a Belt.*

Brethren,

I am informed that some of our Traders at Osweego have cheated the remote Indians by selling them water instead of Rum, I will take care that no such thing be done for the future, and that neither you, nor any other Indians who go thither to trade may be again abused in that manner, I shall endevour to find out the offenders and I will give orders to the Officer of that Garrison, and I desire you will apply to him who will try and taste the Kegs of Rum as soon as you receive them from the Traders and if he finds that they have cheated you, he will oblige them to take it back and give good rum instead of it, and those who are guilty of the abuse shall be punished. *Gave a string.*

Brethren.

I am informed that some Negros who have run away from their Masters, do shelter themselves amongst you, therefore desire you will deliver them up that the owners may have them again. I am also informed that your young Men have killed Cattle belonging to the poor Inhabitants who live near you. I do expect you will prevent such practices for the future, that satisfaction may be made for the damages done. *Gave a string of Wampum.*

Brethren.

His most Gracious Majesty the King of Great Brittain your indulgent Father, and my Master has ordered me to give you in his name considerable presents of such goods that are most suitable for you, which you shall receive as soon as you give me your Answer.

Answer made by the Sachims of the Six Nations to His Excell^{cy} W^{m} Cosby Esq^{re} the 11th of September 1733.

PRESENT— His Excell^{cy} W^{m} Cosby Esq^{re} ettc.

M^{r} Clarke	Maj^{r} Cosby
M^{r} Harrison	M^{r} Freeman
M^{r} Livingston	& the Commiss^{rs} of Indian Affairs.

Brother Corlaer.

You spoke to us a few days ago and said that you was sorry we lost so many of our people by a decease, you have also wiped off the tears from our eyes, that we might see one another with joyful eyes and open our sorrowful hearts, and what blood might be yet remaining you have wiped up, wherefore we return his Excell^{cy} thanks. We do in like manner condole the deaths of all your people who died since our last conference, you have also had a decease among you as well as we and do wipe off the tears from your eyes that we may see one another with gladness. *Gave a string of Wampum.*

Brother Corlaer.

You have also condoled the deaths of all those we lost of the Maquase, Tuskorores, Oneydes, Onnondages, Cayouges and Sinnekes, for which we return Your Excell^{cy} thanks.

Brother Corlaer.

We do also in the like manner condole the deaths of all His Maj^{tys} Subjects who are dead as your Excell^{cy} has done on your part in condoleing the deaths of our people. *Gave a Belt.*

Brother Corlaer.

It has been made us to understand from the Commiss^{rs} that his late Excell^{cy} Gov^{r} Montgomerie was dead who was sent by his Majesty to be Gov^{r} of New York, to take care of the King's affairs in this Govern^{t}, with these skins we do burry him. *Gave a small bundle of skins.*

Brother Corlaer.

We give these Skins as a token that this is the place where our ancestors have mett together on which place we lay a match which will never be extinguished. when there be occasion for it, that a consultation may be held by the fire, and all may be concluded between your Excell^{cy} and us what may be for our mutual benefit and advantage.

Brother Corlaer.

You have told us lately that you was sent by King George your great Master, and that you could not meet us last year because you were obliged to take care of the affairs of the Govern^{t}, and that you was sorry that it was now so late in the summer but that you could not help it, because you was obliged to take care of the King's affairs in the Jersays, which required your Excell^{cy} presence there, you told also that you was come to strengthen & renew the old covenant chain with us.

Brother Corlaer.

You told us that you renewed the ancient covenant chain, yea, strengthened the same, stronger than it has been heretofore, you said also that if there was any rust, that you made the same clean and bright again, you also said that you expected we should do the same on our parts; we promise you Brother and we do in like manner renew the same and make it stronger than it has been before and promise also to maintain our former engagements.

Brother Corlaer.

We do renew our common peace & welfare which subsists between us and promise also that we shall keep the covenant chain inviolable, we shall not be the occasion that any rust may come to it, there shall be no persons so powerful who shall be able to excite us against you. *Gave a Belt*

Brother Corlaer.

You have also acquainted us that the great King loves us as his own children; you said also that the two qualitys of bravery & honesty are belonging to good people, you said also that the Great King knows that we are a people of great understanding.

Brother Corlaer,

You acquainted us also and said, that we need fear no Enemys, while we have so good a father and such a mighty king who is able when any Enemy attack us, to assist us, for which we return you most hearty thanks, for we shall likewise depend on it *Gave a Belt.*

Brother Corlaer.

You can not expect that we shall repeat your proposition from article to article, because we approve of the same as good and have nothing agst any Article of it.

Brother Corlaer

You acquainted us also, that the great King of Great Brittain is a great Warriour and early initiated in the art of war and that he has a Fleet of Ships ready in the Great Lake and when there be occasion, that he has them ready for his service and that he is such a powerful Monarch, that if all the Kings in the world stood up against him, that he need not fear them, which we are very glad to hear, and return Your Excell^{cy} thanks that he has communicated the same to us. *Gave a Belt.*

Brother Corlaer.

You also told that we should not permit any Fort or building on the side of the Lake and suffer nobody to live among us, except they be Subjects of the King of Great Brittain, you told us also, that it would be very prejudicial for the Six Nations in time of war, we promise that we shall not suffer Forts or buildings to be made on the side of the Lake, nor let any persons reside among us except subjects of the King of great Brittain; we know very well, when it is war between the Crowns of England and France, but we are a peaceable people who will live in peace with every body. *Gave a Belt.*

Brother Corlaer.

We forgot something in the last Article. We have submitted ourselves under the protection of the King of Great Brittain, and you told us that he would protect us against an Enemy, and we promise on our parts, to assist and protect all his Majesty's Subjects against any Enemy whatsoever.

Brother Corlaer.

You told us also that we should not let our Young Indians the Warriours to go war any more against the Indians to the Southward or Far Indians and that those Indians have submitted themselves subjects of the Great King of great Brittain, that we should find out a means to cultivate a peace with them; there is no dependance on the words of said Far Indians, they are felonous & traitrous people, of which the Oneydes can give the best evidence. When the Oneydes and said Indians concluded a peace in their own Castle did eat and drink with one another like Brethren, who took the advantage of it and kill'd the Oneydes, wherein the Oneydes lost their best Men, but Brother, nevertheless we shall do our endevour as much as in our power to perswade our Warriours to stay at home as Your Excell^cy has directed. Brother, we are a people who live at a distance one from another; very often our Warriours go out by night when they perceive we endevour to prevent it, yea often when we think they are on hunting, then we hear afterwards they are gone a fighting. *Gave a string of Wampum*

Brother Corlaer.

You told us also of our Young people who killed Cattle belonging to the poor Inhabitants up the River and have commanded us to pay the damages to those people, we promise that those who have committed the facts shall pay for it; you ordered us that we should not molest the People who go to Trade at Osweego, we promise that we shall let them pass freely, we shall meet them as Brethren, and part as such.

Brother Corlear.

You acquainted us also that some Traders at Osweego sold water instead of Rum, and told us that you would make narrow inquiry, and when you had discovered the persons who have committed those facts to punish them for it, and that you have appointed the Officer who is there to do justice between the Traders and the Indians, and when a Trader gives Water instead of Rum or mixt, then the Trader shall be obliged to take back the water and give pure Rum instead of it; we return your Excell^cy thanks for your good care; we must acquaint our Brother Corlaer that the Trade at Osweego is very uncertain, at times dear and at times cheap, we desire Bro: Corlaer that the goods at Osweego may be sold cheap, for the cheaper the goods are there, the more Far Indians will come to trade there.

Brother Corlaer.

Just as we said that goods may be sold cheap at Osweego, the cheaper goods are at Osweego the more Peltry you may expect; it has been a time at Osweego that goods were very dear, that the Far Indians had no inclination to come there and also by the deswasion of the French. Bro: it is told us from time to time, that we should do our endevours to draw the Far Indians to trade at Osweego. Brother, we acquaint you we have Sinnekes on the Falls of Iagara who perswade the Far Indians to trade at Osweego.

Brother Corlaer.

You have told us that there are Negro's among us. According to the best our knowledge we know not that there is one among any of the Six Nations; we call the Interpreter for wittness who travells through our Country who may tell, if he has found any among us. *Gave a Belt.* We forgot something in this article; we desire that there may be powder and lead brought to Osweego to supply us, as for other goods there is enough. We do desire that

there be a Smith and Armourer at Osweego who can make and mend our hatchets guns stocks and Locks, and that there be a Man at Osweego who can speak Indian that the Officer may understand us.

Brother Corlaer.

We the Sinnekes desire to have a Smith & that we may take him along with us, and it is told us that when we liked a Smith it should be in our choice to keep him if we liked him, here is a Smith who has done well by us, who has been among us named Barnardus Hartsen who can make Gunstock, Locks and Hatchets and desire a Man to assist him.

Brother Corlaer

You are sent from over the Sea from the King your Master, for the Govern^{t} of New York, whereof, you are by way of similitude like a great tree of peace, we hill on this tree, that its branches may spread and the roots may run down in the earth that no Storm may hurt it, and wish your Excellency a good voyage home.

His Excell^{cy} according to their manner, lay down two Blanketts, Strouds to condole and bury the Indian that was killed at Osweego last summer. I shall send a Smith, who is also an interpreter to Osweego.

Brother Corlaer.

We promise to forgive the fact committed at Osweego by killing one of our Sachims last Summer by one of your people and never to remember it any more, there is a large pitt in the earth, under which runs a great currant of water wherein we bury this fact in oblivion.

Albany 12. September 1733.

The Schaahkook and River Indians attending his Excell^{cy} W^{m} Cosby Esq^{re} ettc. he spoke to them as follows:

PRESENT— His Excellency W^{m} Cosby Esq^{re} ettc.
M^{r} Clarke, M^{r} Harrison
and the Commiss^{rs}

Children

I sent for you to give you fresh assurances of the protection of his Majesty the King of Great Brittain my Master our common Father & soveraign, and to acknowledge in this publick manner the just sence I have of your former dutiful behaviour and fidelity to his Royal predecessors, and of your affection to your Brethren the rest of his subjects in this Country; In his Maj$^{ty's}$ name and by his order I renew with you the ancient covenant chain, and give you a present of such things as will be of use to you; I expect you will continue firm to your duty in time to come as you have hitherto done, if you do so, you may rest assured not only of protection, but of all good Offices from those who are in authority under the King of great Brittain our Father and Soveraigne. *Gave a Belt.*

Children.

It is with concern I tell you that I am informed that many of your Nation have of late misbehaved themselves and on frivelous pretences and wrong notions have left their Native

Country Schaahkook and gone to live at Canada, a place not so good and fertile as that they have deserted; I desire you to use all proper means to perswade them return that they again shelter under the branches & leaves of that Tree of peace, which has long since been planted at Schaahkook, I will take care that it florish and grow; if you hear of any rumours to disturb you, be not too credilous as many of you have been, but inform me of what you hear, if it be false I will undeceive you, and you may be assured you can nor never shall hear any other but truth from me.

Answer from the Schaahkook & River Indians.

Father

We are glad to hear what you have said; we never have been otherwise than good Subjects of the King of Great Brittain, go we hand in hand with our Father and remain dutiful children and Subjects, with the assistance of God we shall ever be dutiful children, God is the only one we can rely on, as long as we keep him before our eyes, we shall remain friends. With this Belt we renew the ancient Covenant chain, and wrap the same Belt about it that it may remain clean and strong.

Father.

We are Englishmen in our hearts and if any evil should happen, we shall knock at the door and acquaint you. *Gave a string of Wampum.*

Father.

We condole the death of his late Exellency Gov^{r} Montgomerie, now we see the Sun again while we see your Excell^{cy} our Father is come to supply his place and now our mourning for him is over, we are but an ignorant people and poor, because Rum is so plenty, which the Traders bring to us, we cant kill a Deer while we are obliged to sell our powder and lead.

Governor and Intendant of Cape Breton to Governor Cosby.

[TRANSLATED FROM THE FRENCH.]

[New-York Papers, Ee., 24.]

Sir:

The friendly union that exists between the King of Great Britain and the King our Master leads us to hope that you will be pleased to extend your protection to Messrs. De Gane and De Laronde, officers of this garrison, whom we send to your government there to obtain flour, biscuit and peas, of which this Colony is in great need. We have supplied them with the necessary funds for that purpose. We pray you, Sir, to be pleased to permit the purchase thereof, and to procure for these two officers all the assistance they might have need of, as we should be happy to do by those who might come in similar circumstances from you.

Should the funds be insufficient which we have furnished these officers for the purchase of the provisions we have ordered, we have furnished them with a power to draw bills of exchange on us, the payment whereof we guarantee to you.

We take leave to present you a pipe of the best Bourdeaux wine we have here with two barrels of our best brandy, persuaded, as we are, that these articles are not common in the country where you reside

We should wish that some opportunity would be afforded us here to be useful to you or to your officers, and we beg you to be persuaded of the zeal with which

We have the honor to be, most sincerely,

Sir,

Your most humble and most obedient servants,

ST. OVIDE DE BROUILLAN,

Louisbourg, 11 9ber, 1733. LE NORMANT.

Mr. Jeaudain, an Englishman, who happens to be here, offers to make the voyage; on consideration whereof, we have permitted him to take on board twelve barrels of rum, in the hope that you would not disapprove the use he wishes to make of it.

ST. OVIDE DE BROUILLAN

LE NORMANT.

Governor of Cape Breton to Governor Cosby.

[TRANSLATED FROM THE FRENCH.]

[New-York Papers, Ee., 24.]

Sir:

The peace and union existing between the King of Great Britain and the King my Master induce me to take the liberty to apply to you, Sir, to represent the sad and unfortunate condition to which the people of this colony are now reduced by the scarcity of provisions, more than half of whom are now without a morsel of bread; and in a very short time, those who now have a little remaining, will be reduced to a like condition.

The orders I have from the King my Master to succor and assist the King of Great Britain's subjects, determine me not to omit having recourse to your authority, that you might be pleased to permit the officer I send you to purchase from your merchants and farmers a certain quantity of flour, to pay for which we provide him funds.

I therefore beg of you the favor, Sir, to be pleased to grant him that permission, and to favor him with prompt dispatch.

I beg you to be persuaded, Sir, that if any colony or subject of the King your Master should happen to be in the same condition, I shall feel pleasure in affording them all the assistance they will stand in need of.

Permit me, Sir, to request you to accept as freely as I send you four casks of Bourdeaux wine and two barrels of our French brandy, which I direct the officer to present you in my name. I should wish to find some opportunity to be of use to you here. I shall act in a manner to prove to you the consideration with which I have the honor to be,

Sir,

Your most humble and most

Obedient servant

ST. OVIDE DE BROUILLAN.

Governor Cosby to the Duke of Newcastle.

[New-York (S. P. O.), VIII., 145.]

New York December 15th 1733.

My Lord,

Inclosed I do my self the honour to send to your Grace a copy of my letter to the Lords of Trade on which I beg your Grace will be pleased to cast your eye at a leasure hour. In this I will be no further troublesome than is requisite to inform your Grace that when I was att Albany last September, I viewed the Fort of that place and went to Schanectady to see that likewise and found both in a very ruinous condition. I acquainted myself with their scituation with respect to Canada as well as to our own settlements and am convinced that neither of them at present answer the end for which they were first built, for the Country is now so farr pretty well settled, and the people are daily settling beyond them as farr as they dare which I own is not farr, in my oppinion therefore the most effectual way to extend our settlements is to erect Forts in places more advanced towards Canada and so as to have a line of forts between that part of Hudson's River that lyes near the Lake which leads to fort Chamblie in Canada and the Fort at Oswego, such a line of frontier Garrisons would keep the French from incroaching upon us (as they have lately done by building a Fort between Albany and the Lake) and would encourage our Planters to extend their settlements to our advanced Garrisons, by which means the Quit rents will be much augmented, I have discoursed this affair with some of the Assembly who like the thing but seem averse to the expence; and I much question whether I shall at any time be able to bring them to it tho it is apparent that the common interest of the Province in time of peace and their protection in time of warr is highly concerned in it, if I could but make a begining by building one fort between Albany and the new French Fort on this side of the Lake even that would stop the progress of the French & incourage a multitude of settlements to be made beyond Albany, but I cant promise my self much success in it here, if His Majesty would be at the expence I am confident it would answer all my hopes, I humbly submit this to your Grace's consideration, praying you to be assured that in all things for the King's service, I shall exert my self to the utmost of my power, and be proud to obey your Grace's commands whenever you honour me with them being with the greatest honour and respect

Your Grace's

Most obediant and

To faithfull humble servant

His Grace the Duke of New Castle. (signed) W. Cosby.

Reverend Mr. Vesey to the Bishop of London.

[New-York Papers, Bundle Ee., 25.]

New York 16. Decr 1733

My Lord,

Your Lordship's ninth Instruction requires me to give you notice from time to time of any hardships or oppressions that I find the Clergy to labour under, in relation to the Rights which

they are entituled to by the Laws and Constitutions of the Government; I do therefore in obedience to the said Instruction and out of the regard I have to the interest of the Churches here, conceive it my indispensible duty, humbly to represent unto Your Lord^{p}, that in November last, the Legislature of this province, thought fit to pass: an *Act to impower the Vestry of the Parish of Jamaica in Queen's County, to dispose of sixty pounds*, which had been raised by virtue of an Act of Assembly, for the maintenance of a Minister for the said Parish, and then in the hands of the Church Wardens, for the use and benefit of the said Parish; a copy of which Act I herewith transmit for Your Lordp's perusal and consideration. The original of which I presume will be sent home by this conveyance to the Lords of Trade and Plantations for His Majesty's approbation, which I hope by Your Lordp's seasonable interposition, will be prevented and the Act disallowed; for although the sum to be disposed of by the said Act, be but sixty pounds, yet, the consequence of the said Act's, being confirmed, may in my humble opinion prove fatal to the Churches; for the same persons that had the power and influence of procuring the passing of this Law, may have the like influence in obtaining a Law, for altering or repealing the Laws now in force, for settling the Ministry and raising the maintenance for them; and this dangerous precedent may be a leading Card to effect such purposes. And as the present Speaker[1] and majority of the house of Representatives are not of the Church, who can tell how fond some persons may be of following precedents? especially when I beg leave further to inform Your Lord^{p} that this Act was brought in and passed at the Close of the Session, and hurried thro' both houses and passed, before M^{r} Colgan or myself had the least suspicion thereof, or time to be heard by Petition, or otherwise to prevent the same. But I am, notwithstanding, advised, that as the Act for raising the Minister's Salary, has not made any provision in case of death ettc, and as M^{r} Colgan for the greatest part of the time from M^{r} Poyer's death[2] to the time of his Induction, officiated and performed the duty there, he being next Incumbent, is by Law entituled to the money raised during that time; but as the Vestry and Church Wardens of that Parish are annually chosen by the Inhabitants thereof, pursuant to that Act, they being the majority, always take care to elect Dissenters into those Offices, and the present sett not only refused to pay that sixty pounds to M^{r} Colgan,[3] but also refused to pay him any part of the Salary, that has become due and been raised since his Induction, soe that M^{r} Colgan is obliged to go to Law with them for that, in which case the sixty pounds in their hands may be of service, to enable them to litegate the point over again, all which I humbly offer to Your Lordship's serious consideration, and remain as in duty

My Lord,

Your Lord^{p}'s most humble
and most obedient servant
WILL: VESEY.

[1] ADOLPH PHILIPSE.

[2] Rev. THOMAS POYER was grandson of Col. Poyer, who died in the gallant defence of Pembroke Castle in the time of Oliver Cromwell. He entered the service of the Venerable Society on the 29th September, 1709, sailed from England in the last of that year, and arrived in this country in 1710, after having suffered shipwreck on the passage. He was inducted on the 18th July of that year, into the Church of Jamaica, and died in that village on or about the 15th January, 1732. *Documentary History of New-York*, 8vo., III., 230, 311.

[3] Rev. THOMAS COLGAN was appointed Catechist to the Negroes, and assistant to the Rev. Mr. Vesey, at New-York, in 1725, in which year he arrived from England. He was inducted Minister of Jamaica in January, 1733. *Commissions*, III., 371. Thompson says he died in 1755. — ED.

Governor Cosby to the Duke of Newcastle.

[New-York (S. P. O.), VIII., 146.]

New York Dec^{br} y^{e} 17. 1733.

My Lord,

Two days ago when I had sealed up my other letters to your Grace, I received one from M^{r} Van Dam, incloseing articles of Complaint against me, I have long since borne with patience the insults of that man, both in writeing & in print wherein the Council and the Judges were likewise reflected on in a very extraordinary manner, but as those papers had an eye chiefly to y^{e} proceedings against him for half of y^{e} salary and perquisets of this Gov^{mt} recived by him as Presedent after the death of Moungomerry, I was resolved to hear them in silence, expecting my justification in the event of y^{e} suit, but Van Dam whose hopes could be built on nothing but popular clamour, findeing all those appeals to y^{e} people ineffectual to provoke me to enter into a paper warr to justifye y^{e} proceedings of the Court, my owne conduct, and his Maj$^{ty's}$ authority, which ought not to be prostituted to y^{e} censure of y^{e} mob, resolved at last to complain of me to His Maj^{ty}, and as there is nothing so dear to me as my honour, nor any thing I covet so much as His Maj$^{ty's}$ gracious & favourable opinion of me, I thought it high time to justifye my actions, to the best of Kings and that it might come from others rather than from my self, I gave those articles to y^{e} Council who best of any know the truth or falsehood of them and by their stations are best acquainted with my whole conduct ever since my arrival here, desiering them to consider them thurroughly and without heat and throwing by all resentment to give such answers to them as from their own knowledge and examination of others they shoud be warranted to doe with truth & impertiality. This they have done in a letter to your Grace wherein they have inclosed a coppy of Van Dam's letter and y^{e} articles, and I persuade my self that your Grace will finde all those articles answerd in such a manner, and with so much moderation as will be an effectual justification of me. They have consider'd Van Dam alone as the Author of y^{e} paper, it being signed by him tho they know that he is incapable of every part of it except that of his inclinations to libel me, yett they wanted noe information to convince them that it was contrived and drawn by Morris the late Chief Justice and M^{r} Alexander one of the Council hinted at as y^{e} person in y^{e} articles that was not summoned to Council tho liveing in town. I own y^{e} lastt and think my self excusable since I had allways a full Council without him, for not calling him who (as a Counciler must have been a judge in y^{e} cause upon an appeal) had readily as a lawyer undertaken y^{e} defence of that suit without asking leave of y^{e} Councile and ever since has been supposed to have had a principel hand in those printed libells.

Your Grace will at first sight perceive that passion is y^{e} prevailing if not y^{e} only motive to these Complaints, nor have they given their passions any bounds but sufferd their reson to be carryed aside with it or they would never have mentioned y^{e} affair of y^{e} Indian deed; nor have they taken pains to represent as a crime an act of publick justice to a nation. I had before in a letter of the fifteenth inst. to y^{e} Lords of Trade of which I did my self y^{e} honour to inclose to your Grace a coppy, giveing a true acount of that affair with y^{e} minetts of Council, to which I beg leave to reffer.

The Councils letter to your Grace, which I have read, I doe assure your Grace upon my honour, is not in y^{e} least owing to my influence, I finde so full and so free from passion that I shall give your Grace noe further trouble then to beg your protection in such a favourable

representation of me to his Majᵗʸ as may preserve me in his Grace & favour. I may boldly affirm that the Courts of Equity of this Province want the utmost of countenence & all the authority the King can give them, especially at a time when his Majᵗʸˢ just power to appoint them is openly denied, and in scandalous libels insolently branded with the names of despotick arbretary & illegal.

I am My Lord
Your Graces most oblidged
& faithfull
humᵇˡᵉ servant
(signed) W. Cosby.

I beg your Grace to be so good to me as to give my humᵇˡᵉ service to yᵉ Duches & Miss Spence.

P. S. My Lord I beg pardon for giveing your Grace a further trouble, I am now oblidged to acquaint you that after I had closed my letter yᵉ Council who write to you Grace being all who are now in town except Van Dam & Alexander unanimously & erenestly desier me to second thier address to your Grace for yᵉ remôval of Van Dam from the Council Board not careing to sitt with him I could not deny their request and in truth I think they have all the reson in yᵉ wourld to desiere it from yᵉ groos refflections he has cast upon them, I therefore hope your Grace will be pleasd to move his Majᵗʸ in order for his dismission and in his room if your Grace plases to apoint Mʳ Paul Richards a very substantial Marchant a good estate & excelant caracter.

Articles of Complaint against Governor Cosby by Rip Van Dam, Esq.

[New-York Papers, Bundle Ee., 50.]

Heads of Articles of complaint to be exhibited against His Excellency William Cosby Esqʳᵉ Governour of New York by Rip van Dam.

Article. 1. You have not communicated any of his Majesties instructions to the Council as by your Instructions you are obliged to do in such matters where their advice and consent was necessary.

2ⁿᵈ You are directed by your Instructions to communicate to the Council and Assembly his Majᵗⁱᵉˢ orders against your receiving presents and cause them to be Registered in the Council and Assembly books, which you have not done tho' positively directed so to do.

3. You have contrary to your Instruction displaced Judges, Justices of the peace and Sheriffs ettc. without advice of Council.

4. You have contrary to his Majᵗⁱᵉˢ Instructions to you appointed Judges, Justices and Sheriffs ettc. without advice of Council.

5. The Council being by his Majestie's appointed to be a part of the Legislative body of this Province and as such to sit and act separate from the other parts you have not permitted them so to do.

6. The Council being part of the Legislature as above you have taken upon you (in order to influence their debates) to sit among them and act as their President tho' by your patent His Majtie has given you a negative voice to prevent the passing of any Law prejudicial to His Majesties prerogative or the publick good.

7. The Council being part of the Legislature as above, you have during all the sittings of the Assembly since your arrival not suffered them to procede on any business till so late on the Sessions that they were prevented to prepare bills necessary for the publick utility, or duly to consider those that were prepared by the Assembly, but laid under a necessity to pass them without amendment for want of time to consider them.

8. Where the advice of the Council has been thought necessary You have not given general summonses as usual but have only summoned so small a number as would constitute a Quorum, in which you were sure of a majority to carry such point as you thought proper and by this method seem to support your proceedings by the sanction of advice of Council when three makes a majority of such quorum & nine might have been dissenting had they been summoned.

9. When the advice of Council was required it has been usual for them to deliberate and consider the same in a Committee to be appointed for that purpose, but your practice has been to concert what opinion was most suitable to your purpose and then to summon such particular Members in a hurry a majority of which were prepared to give the opinion desired; this tho' not an actual is a virtual suspension of the Members not summoned, one of which has not been summoned to any Council for above a 12 month past, tho' in Town at every time of their sitting which I take to be a suspension of that Member without advice of Council.

10. You have taken upon Yourself to act as President of the Council in receiving Bills and Messages from the General Assembly.

11. You have violently taken from the Members of the general Assembly Bills and messages they were bringing to the Council by order of their house.

12. You have in open Council maltreated the said Members for bringing Bills and messages to the Council.

13. You have maltreated the Members of the Council for daring to debate concerning their right of receiving Bills and Messages from the Assembly & upon other occasions for using freedom of debate.

14. You have recommended and procured a person to be appointed a Member of his Majties Council here, who has no visible estate in this Governt and in necessitous circumstances.

15. By these methods you have rendered the Council useless in their Legislative capacity of being that check and ballance in Government his Majtie intended they should be, and the publick money being to be disposed of by advice of Council, by having necessitous persons in that Council, and by this method of modelling them, you put it into the power of a Govr to squander the publick money contrary to the intent of the givers.

16. You have by advice of Council so partially modeled and summoned as above, taken upon you to erect a Court of Equity in the Supream Court of this Province by ordinance without consent of the general Assembly by Legislative act; this is contrary to the Laws of England and contrary to the plain intent of the Royall commission and Instructions to you.

17. For, that tho' by the said ordinance it seems pretended to give only to the Supream Court such, powers as the Court of Exchequer has in England, yet contrary to the known Laws of that Court, you have by the same ordinance impowered the Judges in vacation at sittings by them to be appointed and adjourned at their will & pleasure to teste writs and

to make writs returnable at the days of such sittings, whereby the good people of this province are subjected at all times of the year to be called from their vacations by the writs of that Court, which as it has been to me so in time it will prove, to the greavious vexation of the people of this Province (if speedy redress be not had thereto) by rendering the proceedings in law uncertain and precarious.

18. For that the said Court of Equity is erected without any check or means to controle or prohibit it in case it should take upon it the cognisance of matters purely tryable at Law and by Jury, whereby the people of this province are subjected as to their rights and liberties to the mere will and pleasure of the Judges of that Court, whom you have taken upon you to place and displace at your meer will and pleasure, and consequently the meer will and pleasure of Governours, is introduced to be the Law by which the people of this Province are to be governed, and to be the rule by which they are to hold their rights and liberties, to the utter subversion of their Liberties & properties, of the Law of England and of this Province, and of Juries (which is the distinguishing birth right of Englishmen by Magna Charta and other laws) and to establishment of arbitrary and lawless power in the place thereof.

19. You have by threatning and abusive messages to the late Chief Justice endevoured to warp him to your purposes and fright him from doing his duty.

20. You have displaced the late Chief Justice without advice of Council after he had faithfully executed that Office for nigh twenty years to the universal satisfaction of the people of this province, & that for no cause to the world known, unless it was for giving an opinion on a matter of law that came judicially before him.

21. You have appointed James De Lancey Esq^{re} to be Chief Justice of this province and Frederick Phillips Esq^{re} to be second Judge without advice of Council and in all probability done to promote your own purposes.

22. You have made use of the King's name to prosecute me for your own sole advantage and refusing me the means of comeing at common Justice against you, tho' requested of you by me in the humblest manner.

23. You have in some of the Counties under your Govern^{t} displaced substantial Inhabitants from being Sheriffs without advice of Council, and in their places also without advice of Council put stranges having no visible Estates in the said Counties or elsewhere that is known, and without their giving any security for the due discharge of their Offices.

24. Some of the persons put by you into these offices (tho' possibly of twenty one years of age) were youths unfit for these Offices.

25. You have under colour of a desire to see the deed given by the Indians to the corporation of Albany for a considerable Tract of land by the said Corporation purchased of them for a valuable consideration got the said Deed into your hands & tho' delivered you under faith and confidence of its being safely returned to the person who gave it, yet, you, contrary to good faith and common honesty delivered the said Deed to the Indians to be destroyed, and it was distroyed accordingly to the great and irreparable damage of the said Corporation.

26. Nicholas Cooper made by you High Sheriff of Westchester, one of the most considerable Counties in this province is a stranger and a person of no visible Estate in that County or this province that is known, is supposed to have been by you put into that place in order to defeat the election of the late Chief Justice for a Member of the general Assembly, in

favour of one Foster,[1] a known Jacobite set up against him and countenanced by the now Chief Justice and Second Judge appearing at the head of his party, did actually refuse the votes of 38 of the people called Quakers the most considerable Freeholders in the said County in order to procure a majority of votes for the said Foster; all which things being notoriously publick and well known to you, you did and still do continue the said Cooper in his Office of Sheriff.

27. You suffered the French Sloop Le Cæsar which came hither from Louisbourg to trade and take in provisions in this place, upon the Credit you [gave] to a letter from the French Gov^{r} without making any proper and sufficient enquiry into the truth of the said letter, the Circumstances of the French at Cape Breton the quality of the persons on Board, their behaviour in coming to this place and the true design of their coming, all which you might have discovered (if you would) to have been very contrary to what it was presented by them to be.

28. It was known to the greatest part of this Town and might have been known to you that there was no scarcity of Provisions at Cape Breton nor a bad harvest in Canada as pretended; that there was an Engineer and three French pilots on board the said sloop, that they diligently took all the soundings and land marks and views of land coming into this Port which made it evident that their intention of comeing hither was to discover the way into and weakness of this place, for which they ought to have been confined till his Majesties pleasure was known which you did not do, on the contrary you suffered them to go back thro^{r} the Sound and thereby to discover also our soundings and land marks that other way into this port.

29. You suffered them to land four Hogsheads of Claret two Hogsheads of Brandy 2 Hogsheads of Salad oyle all of the growth and manufacture of Europe contrary to the Laws of Trade and your oath and positive Instructions.

30. You received of the said Frenchman by way of present all the said Brandy, Claret & salad oyle which was carried into the Fort and lodged in your Cellar and this I suppose induced you to grant a liberty to Trade here, which you ought not to have done.

31. You have caused no Muster to be made of the Companies of Fuzileers under your command for above a year past and yet have got Muster Rolls signed as if there had been Musters duly made.

32. You instead of one hundred Men in each company do not keep forty men in a company.

33. You have not delivered cloathing for so many as forty in a company and yet procured receipts as if you had delivered the whole.

34. The cloathing you delivered was of far less value than what ought to have been delivered.—

17 Dec^{r}. 1733.

[1] William Forster was schoolmaster in the town of Westchester, under the Society for the Propagation of the Gospel in Foreign Parts, as early as 1719, and was appointed clerk of the county of Westchester on the 17th March, 1733, which office he surrendered on the 13th May, 1746, and Benjamin Nicoll was next day appointed his successor. *Commissions*, III., 371, 429. —Ed.

Council of New-York to the Duke of Newcastle.

[New-York Bundles, S. P. O.]

(Duplicate) Dec^{r} 17th 1733

May it please Y^{r} Grace,

His Excellency the Governour having been pleased to call us, the Members of His Mâties Councill, together, on Saturday in the evening, he was pleased to say that he had just received a letter from the late President Rip Van Dam, dated the 15th Decemb^{r} with a paper enclosed entitled Heads of Articles of complaint to be exhibited against his Excel^{cy} W^{m} Cosby Esq Governour of New York by Rip Van Dam Esq^{r} he was then pleased to tell us that as we were the nearest wittnesses to his actions and conduct in the Administration, he wo'd cômunicate both those papers to us, that so we might give our free and impartiall opinion thereon, and pursue such measures as to us seem'd most proper and agreable to the importance of what he laid before us, and the papers being laid upon the table his Excellency withdrew.

May it please Y^{r} Grace

Though we have been for some time past very sensible that the most base and unworthy meanes have been used to traduce the Governour, the Councill, the Judges, Officers, and all who had the honour to bear Cômission here, yet as we took these proceedings to be the effect of malice and disaffection in those who were deservedly discharged from employment, we were willing to believe that an impotent faction raised and supported by falsehood, and those vile arts which are suited to deceive the cômon people, wo'd of itself drop and disperse, and in that disposition we were much encouraged to persist by his Exl^{cies} example, who as he had given just cause of offence to no man, demonstrated by his conduct that he was very slow to take any, though we saw that his forbearance had almost gone its full length, when the press here began to swarm with copys of those libells which were calculated, in England, to raise sedition and disturb the Peace of His Mâties Kingdom.

But we shall not presume to detaine Your Grace with the particulars of their conduct, who have placed M^{r} Van Dam at their head, though in reality he is no other than the Instrument and the work of their hands. Therefore We humbly beg Y^{r} Grace's leave to write Our sentiments and our knowledge of the matters immediately before us, but M^{r} Van Dam has very unfairly so shortned the time, this Ship being to sail in a few hours, that we must desire to referr Your Grace to the Articles of Complaint, while we explain the falsehood of them as they stand in Order.

1st We do assure Your Grace that his Exñcy the Governour has at all times, whenever the knowledge of His Mâties cômand was necessary for Our better direction, cômunicated such of his instructions as might give us light therein, that this favour was never refused to us, & that any allegation to the contrary is false & unjust.

2nd This instruction is universally known & understood as a standing instruction, both by His Mâties Councill & the Assembly. It is generally known to all people in the province.

3. &. 4 Some of us have been of the Councill for many years, others for a shorter time. The Governours of this province have always appointed Judges, Justices of the peace, and Sherriffs, and upon misbehaviour have displaced them or any of them. The Councill never interposed, within our knowledge, but if his Excency had promoted persons obnoxious or of ill fame, we should have thought it Our duty to represent it to him.

5. 6. The Governours of this province have ever presided in Councill, the books or minuitts of that Board make this apparent, which makes it seem very unaccountable that Mr Van Dam who when the Government devolved upon him did the same, should now complain. And we always look upon Ourselves as a Cômittee when his Excy is absent, we are of opinion that Mr Van Dam has put a very weak but insolent construction, upon the Instructions in these two Articles mentioned. Our Debates are always free. His Excy has never made any innovation upon our rights and privileges, as we are a branch of this Legislature, or in any other point.

7. Is a falsehood so gross and so notorious, that it can be no otherwise answered than by a positive contradiction to the truth of every part thereof.

8. 9. The Board of Councill has been as full during His Excy's administration as in times past. Mr Van Dam well knows that severall of the Members live very remote in the Country, We and others when in Town were allways sûmoned, and as the appearance was allways sufficient, we beleive that none of us ever inquired into the Messenger's Orders. We have allways had full time to consult and deliberate upon all matters before us, and we hope our resolutions are justified by the unanimity with which they past, His Excy never attempted to influence Our votes by his cômand or authority: we are free agents, and as such we act; if any person has not been sûmoned, we suppose that his Excy had good and sufficient cause for that omision.

10. His Excy has in these points followed the steps of his Predecessors; All Governours have done the same, as well as in the severall points preceding.

11. We never heard of any such violence used, or the least rumour of it, and we are well assured that if any Member of the Assembly had ever received such Treatment, the House wôd have resented and complained of it.

12. 13. If any Member of Assembly had been maletreated by His Excy in Councill, wee must have been conscious of it. We remember only one instance of a Bill presented to the Councill, which occasioned a debate, in which Mr Van Dam with a great majority declared that he was against the new method, the old forms ought to be observed, No inconvenience having ever arisen from it.

14. We know not any such person as is in this Article described; the only Members who have taken seats at the Councill Board, since his Excys Arrivall in this Province, are Henry Lane, Esqr son of Sir Thomas Lane, and he has been for twenty three years past one of the most considerable Merchants in this place and of unblemish't Character. The other Daniell Horsmanden Esqr Barrister at Law, bred in the Inner Temple, and who lives in good figure and esteem in his profession and in all other respects.

15. We endeavour to be as usefull to His Mâtie and his people as we possibly can be; we wear no fetters upon our thoughts, words or actions, but enjoy all the libertys of Englishmen, and the just priviledges of our Station. We have our Share in making those Acts by which all publick moneys are levied, and we solemnly affirm to Your Grace that none of it is squander'd, but all applyed to the uses for wch it is given.

16. The Calumny in this and other Articles as falsely as malitiously repeated, is spoken to before, but as to the other part of it we declare that when this Ordinance was made it was first weighed and considered by all the Gentlemen eminent in the profession of the law; it was then reconsidered by all the Judges of the Supream Court and accordingly established by the Governour & Councill; and Mr Morris late Chief Justice, even before the making

this Ordinance, received severall Bills in the Court of Exchequer, filed by the Attorney Generall by direction of Archibald Kennedy Esq^{r} His Mâties Receiver Generall.

17. Sittings out of term were appointed for the better dispatch of business, and the generall ease and benefit of the subject, and are universally esteem'd as such; for we have but four terms in the year, each of no more than seven days continuance, and these terms, as well as the sittings, have allways been appointed by Ordinance of Governour and Councill. It is a thing too well known here how much His Màties interest has suffered for want of proper methods to recover his quit rents and other dues, and to the obtaining them His Excy and Councill had speciall regard in this appointment, which as it was also intended to give relief on the Equity side, is a very evident prooff that his Excy, who is our Chancellor, had no arbitrary view or design therein, for if he is that person which M^{r} Van Dam represents him to be, he wo'd certainly have kept and reserved that supream power of determining in Equity, as intirely in his own hands, as all his predecessors had done; but we beleive, and some of us know, that His Excy having considered that he should necessarily pass many months in his other Government of New Jersey, and a considerable time in his voyages to Albany, as well as that many suites of very old standing were still depending in the Court of Chancery, for quit rents, which were a grievous burthen and expense to the people; He was inclined to ease them thereof, by meanes of these more frequent sittings; and nothing can appear more strange than that a sure method to expedite suites & other business, sho'd give offence, when all the world knows that delays therein are the heavyest of all oppressions. Here M^{r} Van Dam introduces himself as a person principally aggrieved thereby, whereas whatever his sufferings may be, they are the consequence of his own obstinacy, he having refused to answer to a Bill filed against him in this Court, and still standing out in contempt, but if he conceives himself grieved by the overuling his plea, he has his legall remedy to appeal to Gov^{r} & Councill, and from them to His Màtie in Councill, according to the constitution of this Province and his Màties Instructions.

18. Your Grace will please to observe that this Article is a very high nature. It is a very heavy accusation against the Gov^{r} & Councill, against all the Judges, and against every person with whom his Mâtie has lodged the dispensation of law in this province. 'Tis an imputation of the grossest folly, ignorance and corruption, to all these Orders, but with all so weak and false that we hope it requires no otherwise to be refuted than to point it out. The Court of Chancery is free and clear of all just aspersion, so is this other Court. No attempt has been made to overthrow the Cômon law, or tryalls by Jurys, Nor is there a Province in his Mâties Dominions where the subject is in fuller enjoyment of all that happiness which we derive from the English Constitution, than is New York. And we verily beleive that these accusations contain the highest violation of honour justice and truth, that ever was made by any of it's Inhabitants; for no other man wo'd dare to assert that we have not the same course of appeal we ever had, or that any one of our Judges has made one wrong step since that change which has given M^{r} Van Dam, and those turbulent spirits which actuate him, so great and unreasonable displeasure.

19. We desire leave for answer upon our knowledge of what relates to this Article, to acquaint Y^{r} Grace, that We never hea[r]d of any Message first sent by his Excy to the late Chief Justice; we are told that after a long neglect, on M^{r} Morris' side, of that duty and respect which he owed to his Excy, he did send Joseph Warrell Esq^{r} (a Gentleman of the Law and of very fair Character) to the Governour, under pretense of making an apology for his omissions, and for his, said Morris's, Conduct therein. We desire leave to referr Your Grace

to Mr Warrell's letter, now written to us upon that subject, and we verily believe that no other Message or Messages ever past between his Excy and said Morris.

20. If the late Chief Justice had been universally liked, we verily beleive the charge[1] had not been made; but since his Excy has been so good to displace him, we shall enter no farther into his Character. He held his Office at Pleasure as all his predecessors did, and we do not think there is any man who wishes he had held it by a stronger tenure.

21. This Article charges his Excy with putting Mr James De Lancey in the place of the late Chief Justice, who being at present of the number of the sitting Members, his great modesty wo'd not permitt us to insist upon it during our consideration of this Article. We prevailed upon him to withdraw. We do assure Yr Grace that he is of the best family in that Country to which he is an ornament; his education was at the greatest University in England, and his study ever since, the Law, He had gained the love and esteem of Mankind at the bar, and his promotion to the Bench gave the most generall satisfaction, and so does his continuance; many old causes having received most just and unusuall dispatch at his hands. He was second Judge when Mr Morris was first upon the Bench, and Mr Philipse, a very worthy gentleman of plentifull fortune and good Education, was then the third judge; whereby it will appear to Your Grace; that the Advancement of both has been regular and of cômon usage here. We know of no by ends; we are sure his Excy had none to serve upon this occasion. When such jobs are to be done, gradation is little or not at all regarded; this choice wo'd have ruined a Scheme so wicked or dishonourable.

22. When Mr Van Dam was President of the Councill he received the whole Sallary and all perquisites of Government. The Majority of Councill consented that he sho'd do, so because he was thought to be a responsible Man and that if His Mâtie did not allow him the whole Sallary he was able to pay back the half to the Treasury, which, as was supposed, co'd have no ill consequence, and this was the argument of Mr James Alexander.[2] But

[1] change. *Letter in New-York Colonial Manuscripts*, LXX.

[2] James Alexander was a native of Scotland, and came to America in the year 1715. *Smith's History of New-York*, 1829, I., 231. Shortly after his arrival, he entered the Secretary's office, at New-York, and was Deputy Clerk of the Council in 1719, when he projected an advantageous boundary between New-York and New Jersey, which, however, was not agreed to at the time. *Ibid.*, I., 199; II., 130. On the 28th of July, 1721, he was appointed to execute the duties of Attorney-General of New-York, *vice* Jamison, and filled that office until March, 1723, when Richard Bradley brought out an order from the King to be Attorney-General; whereupon Mr. Alexander was made Naval Officer, 6th June. The latter appointment was renewed in 1728. *Commissions*, III., 215, 234, 240, 287. He had been already called to the Council on the 3d of August, 1721 (*New-York Council Minutes*, XIII., 138), on the recommendation of Governor Burnet, to whom he was of essential service in the controversy respecting the Indian Trade; on which occasion Dr. Colden and Mr. Alexander drew up the memorable report of the 6th of November, 1724, in answer to the petition of the London merchants, and in vindication of the Governor's policy. *Smith*, I., 117. He was an active opponent of Governor Cosby, and in consequence was no longer invited to the sittings of the Council. It was during that administration that he acted, with Mr. Smith, as counsel for Zenger, the printer; these gentlemen having, on that occasion, excepted to the jurisdiction of the Court, were, on the 16th of April, summarily "thrown over the bar," and their names stricken from the rolls. *Ibid.*, II., 20. On the death of Governor Cosby, Mr. Alexander reappeared at the Council Board, and on the 10th of March, 1736, alone opposed the claim of Mr. Clarke to the presidency, insisting that such was Mr. Van Dam's right. *New-York Council Minutes*, XVII. In June, 1737, he took his seat in the Assembly, as one of the Representatives for the city of New-York (*Journal*, I., 702.); and in October following, the Judges having canceled their order of 1735, he and Mr. Smith returned to their places at the bar. *Smith*, II., 41. In 1738 the Assembly was dissolved, and a General Election ordered. That of New-York opened on the 13th of March, 1739, "in the field where usually they chose Representatives." Party Politics ran high. The sheriff was William Cosby, whose "bare-faced villany," at the previous election, was a subject of just complaint; and the Court party was very active. The poll was adjourned to the City Hall, and continued until midnight, when Mr. Alexander was defeated by 22 votes, the numbers being: Col. Moor, 515; A. Philipse, 428; Wm. Roome, 410; David Clarkson, 403; C. Van Horne, 395, and J. Alexander, 381. *New-York Gazette*, No. 696. Meanwhile he held a seat in the Council of New Jersey, but rarely attended its meetings. Writing of him in 1745, Governor

afterwards His Mâtie having declared that Mr Van Dam sho'd be entitled to no more than the half Sallary, the Board of Councill thereupon Ordered him to refund the one moyety to the Province Treasury, and upon his refusal the Attrʸ Generall was directed to file a Bill against him in His Mâties Name, for said Sallary and perquisites. We know of no just demands which Mr Van Dam has upon his Excy; if he had any, We verily beleive that the Governour would have discharged them.

23. 24. The Governours of this Province have always made such changes in the civill Officers[1] thereof as to them seem'd meet. To him the people complain when they labour under any grievances, or receive any hardships from the Neighbouring Justices or Sheriffs, and 'tis very reasonable that his Excy sho'd know these things and exercise this power. We have great reason to beleive that such persons as he has promoted, are fitt for their employment; if we know any thing to the contrary we would be the first to represent it to him; but we do assure Yr Grace that in the appointment of the Mayors and Sheriffs of the Cittys and Countys of York and Albany, His Excy did name[2] them in Council as usual, and as his predecessors used to do.

25. Your Grace will see by the inclosed Minuit of Councill the State of that Fact And we assure Your Grace that if the practice of surprizing the Indians with purchases or deed of that kind be admitted, that one Corporation of Albany wo'd have it in their power to starve, distress and drive from us the whole Nation of the Mohauks, whose friendship and neighbourhood this Province co'd very ill spare

26. As to the objection to Mr Cooper, Sheriff of West Chester, [though] we are not informed whether he has an Estate in that County or not, yet we all know him personally; we know that he supported himself very handsomely before he had that Office, and has behaved himself very well in it. Here is an Act of Assembly which obliges the Sheriff to tender the Oath of freehold to every voter for the Choice of the Representatives if required; several Quakers did vote at the last Election there, and Mr Cooper, as required by one of the Candidates, did

Morris says: "James Alexander resides at New-York, has a very considerable estate in severall parts of New Jersey, is a Merchant at New-York, and supposed not to be worth less than £100,000. He is much troubled with the Gout, and doth attend the Assembly when the sessions is at Amboy, and has been there lay'd up with the Gout the greatest part of the Session in 1743, but cannot attend at any other time when it is necessary to call the Councill together." *Papers of Governor Morris*, 219. He lost his seat, however, in the Council of New-York in 1741, on the appointment of Governor Clinton, in whose Instructions his name had been omitted by mistake. He was at length reinstated by Mandamus, bearing date the 2d of August, 1750 (*New-York Council Minutes*, XXI., 403), and became one of the ablest supporters of the administration. The only act of his public life worthy of note, after this, was his opposition to the charter of King's College, in 1754, on the ground of the exclusively Episcopalian organization of that Institution. During the session of 1756, he ventured to attend the Council on public business, whilst laboring under a paroxysm of gout, took cold, and died on the 2d of April of that year. *Smith*, II., 232. He is represented by those who knew him, as "a gentleman eminent in the law, and equally distinguished for his humanity, generosity, great abilities and honorable stations." *Ibid., Preface.* He paid much attention to the preservation of our Colonial Records, and, with this view, had the Minutes of the Commissioners for Indian Affairs, including the Indian Treaties, from 1675, bound, in 1751, in 4 large folio volumes. *Smith*, I., 214. *Note.* These valuable papers are, unfortunately, no longer among the archives of the State. He also left behind him a collection of papers, which throw some light on the administrations of Governor Cosby and Lieutenant-Governor Clarke. He had leisure, withal, for the cultivation of science, and founded, with Dr. Franklin and others, the American Philosophical Society, and maintained a constant correspondence with Halley, the Astronomer Royal, and other learned mathematicians in different parts of Europe. *Duer's Life of Lord Stirling*, 5. Mr. Alexander was proprietor of large tracts of land in the present counties of Orange and Montgomery, N. Y.; also in New Jersey. In 1725 he married the widow of David Provoost, a merchant of New-York: she survived him. His son William is known in American History as Lord Stirling, and held a commission of Major-General in the army of the United States, during the Revolution. Of his daughters, Mary married Peter Van Brugh Livingston, Elizabeth married John Stevens, Catherine, Walter Rutherford, and Susannah, John Ried. — Ed.

[1] Offices. *Letter in New-York Colonial Manuscripts*, LXX. [2] make. *Ibid.*

tender the Oath to some of them, there being no saving in the said Act for the people so called, neither were those to whom the Oath was tendered the most considerable men in the County, we are confident that the Governour had no views to the Election when he appointed M^r^ Cooper, there being no appearance of Contest or opposition at that time, and M^r^ Forster who afterwards was set up by his friends, is likewise well known to us; he has been for a long time Clerk of that County, he has taken the Oaths to the late and present King, and is a man of a very good Character, and we presume that his Excies character is so well known to Your Grace, that you will give no credit to so foul an aspersion.

27. 28. 29. 30. For answer to these Articles we desire leave to inform Y^r^ Grace that in this whole transaction his Excy took no one step but by the unanimous advice of Councill. We are well advised and assured of the distress which those people were in, and we have long been fully informed of the scarcity in Canada, from whence they were to expect their supply. Your Grace will we hope please to observe the wicked Method of these accumulated accusations, and that even while his Excy was acting up to the Treatys subsisting between the two Crowns, and doeing an Act of the greatest compassion and humanity, this Man is breaking through all the tyes and obligations of duty and regard, in order to destroy his great and worthy character.

May it please Your Grace, since we enter'd upon this Affair the Post [from Boston] is arrived, and brings advice that the French Sloop above mentioned has been seen of Martha's Vineyard, and since she was laden in this place, they have advice at Boston that unless the provisions so put on board here do arrive safe at Cape Bretoen, the people there must perish.

31. 32. 33. 34. May it please Your Grace, upon considering these Articles, we sent for the Officers of the two Independent Companys garrizon'd in this place, to witt Captain Richard Riggs, Andrew Nicholls Captain Lieutenant of His Excy's Company, George Ingoldesby and Timothy Bayley,[1] Lieutenants. Captain Riggs offered to depose upon Oath that his Company was now full and full cloathed, and that the Cloathing was as good as ever he remembered it to be. Capt^n^ Nicholls made the same tender, and declared that his Excy had the last winter, over and above the usual cloathing, given Surtout Coats to both Companys, out of his own Bounty, the winter being exceedingly severe, and this, a generosity which they had never known before. M^r^ Ingoldsby and M^r^ Bayley[1] confirmed the same. The other two Companys, being at Albany, and as we have never heard of any complaints made from thence, we doubt not but they are in the same state.

May it please Your Grace to forgive that we have now detained your Lordship too long, upon an affair which is in its nature to us astonishing beyond measure; we have been, while we traced M^r^ Van Dam through a labarynth of detestable falsehoods, very often at a loss how to beleive that a Man of his years co'd forge so many and so notorious scandalls, but we are to inform Your Grace that the resentment malice and revenge of some of the wickedest of men, are thrown in to his assistance. No Government or Administration can please those restless minds. Nothing will satisfy them, but that power which they joyfully wo'd exercise, to the destruction or ruin of their fellow subjects. We beg Your Lordship to be assured that we know and dayly are made more sensible of our happiness under his Excellency's Administration. We know that the people are so too; yet we see how impossible it is to

[1] Timothy *Bagley* succeeded Thomas Garland as Lieutenant of Captain Riggs' Company of Foot, 26th of August, 1725. *Commissions* III., 275. The same volume contains a License, dated 12th February, 1720, to Major Timothy Bagley, to manufacture oil from whales driven ashore on the south coast of Long Island, and a Commission dated 25th June, 1723, appointing the same Ranger of the Island of Nassau, [L. I.] vice Hicks. — Ed.

shew to all that happiness which all enjoy, and while there are designing crafty and ill men, they will always have some blind Converts. Such, May it please Your Grace, are those whom this man, and a party which has taken advantage of his folly and distraction, is now deluding to fill Your Grace's ears with complaint and clamour. We humbly hope that Your Grace will give creditt to this our humble representation. And as we have presumed to intersede with his Excy, and prayed that we may be no longer obliged to sit with a Man who has been guilty of defaming the Administration, and thereby endeavouring to render his Majesty's Government odious to the people, We in most humble manner beseech Your Grace that the said Rip Van Dam may be no longer continued in the List of His Majesty's Councill here; it being evident to us that he has in his proceedings above mentioned, prostituted his name to the seditious designs of a few disaffected and discontented persons, and if this Our just Representation merits any weight with Your Grace, We do upon the whole affirm that the preservation of the publick peace, the wellfare of this Province, and that due sense w^ch^ the people here ought to have of the blessings they enjoy by the settlement of the Crown in His Majesty's Most illustrious house, do at this juncture very much depend upon Your Grace's reception of this Our Prayer.

We are
with the highest honour and regard
My Lord
Your Grace's most humble most
obedient and most dutifull Servants

GEO: CLARKE
FRA HARISON.
ARCH^d^ KENNEDY
JAMES DE LANCEY
PHILLIP COURTLANDT
HENRY LANE
DAN: HORSMANDEN.

M^r^ Horsmanden being come to town since the Originals was sent has perused and considered all the inclosed papers.

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